

*Isa Allen*

COLLECTIONS

OF THE

VERMONT

HISTORICAL SOCIETY

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## PAMPHLET PUBLICATIONS OF THE SOCIETY.



1.—Address by James Davie Butler, Oct. 16, 1846 : subject—*Deficiencies in the Early History of the State*. Appendix : First Constitution, Officers, and By-Laws of the Society, October 1840 ; Declaration of the Independence of Vermont ; the Song of the Vermonters.

2.—Address by James Davie Butler, Oct. 20, 1848 : subject—*Battle of Bennington*. Appendix : Order of Sequestration, 1777 ; Roll of Captain Samuel Robinson's company in Bennington battle ; Receipt for Plunder Money. Address by George Frederick Houghton : subject—*Seth Warner*. Appendix : Report of Council of New Hampshire on lands west of Connecticut river, 1771 ; Petition to Congress of Widow of Seth Warner ; State of the right of New York to Boundary on Connecticut river, 1773.

3.—Address by Daniel P. Thompson, Oct. 24, 1850 : subject—*The Birth of the first Constitution, and the Council of Safety*.

4.—Address by Pliny H. White, Oct. 29, 1858 : subject—*Matthew Lyon* ; and by Albert D. Hager : subject—*Vermont Marbles*.

5.—Constitution, By-Laws, and List of Members of the Society, and of gentlemen who had pronounced addresses before it, &c., Nov. 2, 1859.

6.—Proceedings, Oct. 16, 1860 ; Annual Address by Joseph Torrey : subject—*Discovery and Occupation of Lake Champlain*.

7.—Proceedings, Jan. 23, 1861 ; with Sketch of *Rev. Samuel Austin Worcester*, by Pliny H. White ; of *Hon. George Tisdale Hodges*, by George F. Houghton ; of *Governor John S. Robinson*, and *Doct. Noadiah Swift*, by Hiland Hall.

8.—Proceedings, Oct. 15 and 16, 1861.

9.—Proceedings, Jan. 22 and 23, 1862, with Essay of Henry Clark on *Town Celebrations* ; Proceedings, July 16 and 17, 1862, and Oct. 14, 1862, with *Report of Librarian*, and list of resident and honorary members.

10.—Address by J. Watts De Peyster, Oct. 20, 1863 : subject—*Secession in Switzerland and the United States compared*.

11.—Address by Winslow C. Watson, Oct. 20, 1863 : subject—*Governor Richard Skinner*.

12.—Address by E. J. Phelps, Jan. 28, 1864 : subject—*Charles Linsley*.

13.—Address by Geo. F. Edmunds, Oct. 16, 1866 : subject—*Solomon Foot* ; by Pliny H. White : subject—*Governor Jonas Galusha* ; and by J. E. Rankin : subject—*Sources of New England Civilization*.

14.—Address by James Barrett, Oct. 20, 1868 : subject—*Jacob Collamer*.

15.—Proceedings, Oct. 19 and 20, 1869 ; with *Report of Librarian* ; the *Capture of Ticonderoga in 1775*, by Hiland Hall : and Sketch of *Rev. Pliny H. White*, by Henry Clark.

16.—Proceedings, Oct. and Nov. 1870 ; with *Report of Librarian* ; and Address by James Barrett : subject—*Charles Marsh*.

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## ADDITIONS AND CORRECTIONS TO VOLS. I. AND II.

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### VOLUME FIRST OF COLLECTIONS OF VERMONT HISTORICAL SOCIETY:

#### VINDICATED FROM THE ATTACK OF THE NEW YORK HISTORICAL MAGAZINE.

IN the former volume of these COLLECTIONS, published in 1870, an attempt was made to embody in chronological order such authentic accounts as could be found of the proceedings of the different conventions of the inhabitants of the New Hampshire Grants, prior to the establishment of the state government of Vermont in 1778. No original journals of those conventions could be found, and information in regard to their proceedings was sought for in all quarters where it was thought it might be obtained. Among the sources from which information was procured, were the fourth volume of the Documentary History of New York, the published journals of the New York Congress of 1775, the Connecticut Courant published at Hartford for the year 1777, Mr. Slade's Vermont State Papers, the manuscript papers in the offices of the Secretaries of State at Albany and Montpelier, and a Manuscript copy, from what was believed to be an authentic copy of the journals of several conventions in 1776 and 1777. The sources from which the accounts of these proceedings were obtained were distinctly indicated in the publication itself, either by introductory statements or foot notes, so that the verification of each part, and the credit to which it was entitled, could be conveniently tested by historical students.

The number of the New York Historical Magazine for January 1871 edited by Henry B. Dawson Esq., contains a very sharp and bitter criticism on this part of the Society's volume, in which he assumes to have discovered numerous errors and falsehoods of so flagrant a character as, in his view, to justify him in making a charge of intended deception and fraud on the part of the Committee of Publication. He claims that their work is not a fair account of actual proceedings, but is a "reconstructed record" got up by the Committee for the purpose of placing the conduct of the Vermonters in their early controversy with New York on a more favorable footing than their original proceedings would warrant, and that their publication is therefore "entirely useless as an *authority* in historical enquiry." This charge of fraud in the publication, if well founded, not only deprives it of historical authority, but ensures the just codemnation of the Committee of Publication by all lovers of honesty and truth.

The chronic propensity of Mr. Dawson to treat such opinions as do not coincide with his own, as founded in dishonesty and crime, must be well known to the readers of his magazine, and some of them may have noticed that this propensity becomes peculiarly active and violent whenever any question of Vermont history is concerned. He has in his magazine habitually sought to stigmatise Vermonters by branding them with opprobrious epithets, calling them "renegade Green Mountain Boys," "Secessionists," "Nullifiers," "traitors," "thieves," &c., &c., and it has also seemed impossible for him to notice the work of a Vermonter without, as in his present article, impugning the motives of the writer, misrepresenting his statements, and charging him with unfounded delinquencies.\* This continued exhibition of his bitter hostility, together with the seriousness of his present charge against the integrity of Vermont history, must be our apology for a somewhat extended examination of the grounds on which he founds his criticisms.

Mr. Dawson commences his present strictures by stating that in their publication, the Society "employed a *copy* instead of the *original manuscripts*." It is true that copies only were employed, and for the reason which is fully declared in their publication, that no originals could be found. Parts of the proceedings of several conventions were found in newspapers and in other publications, and in different manuscripts, as before stated, the most important of the latter being a copy of the proceedings of several conventions, furnished by the Hon. James H. Phelps, of West Townshend, Vt., which manuscript and the use made of it are particularly mentioned in the publication itself. The copy, as Judge Phelps informed the Committee, was made by him in 1852 from the back part of an old account book in which Dr. Jonas Fay, who had been clerk of some of the conventions, had made charges against his patients for medical services. The book was in the possession of Judge Phelps but a short time, and he was unable to give any certain account of what became of it, though he thought it might probably be found in the possession of some of Dr. Fay's descendants. Inquiries were made for it in quarters where it was thought most likely to be found, but without success, and it was accordingly stated (page 49) that it was "not known to be now in existence."

Mr. Dawson in his criticism undertakes to show the inaccuracy of the Society's publication by comparing it with what he calls "*the original minutes, as left by the Secretary who wrote them*," but he does not state the form in which these "*original minutes*" have been preserved, or how or where he obtained them, or give any description of them, or specify any evidence of their authenticity. As the Society's publication shows that it was made from *copies*, because no originals could be found, and as what he claims as the original minutes must have come recently into his hands,

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\*Hist. Mag., Vol. 10, Supplement, 199; Vol. 1, New Series, 184; Vol. 5, 345-7 and 399-401; Vol. 7, 137.

it would seem to have been no more than fair for him to give some account of his newly discovered manuscript, before condemning others for not following it, and thus also enabling others, as well as himself, to form an opinion of what his new discovery really was, and to judge of the credit to which it was entitled. It might possibly turn out that Mr. Dawson has not in his possession "the original minutes" of any of these conventions, but only copies,—perhaps only the same book from which Judge Phelps copied,—the entries in which were certified—not as "*original minutes*" but as *copies*,—sometimes with the words "Errors excepted," as may be seen in the Society's publication at pages 13, 15, 16, 20, 34, 37, 42. But whatever may be the character of the manuscript by which Mr. Dawson calls in question the correctness of the Society's publication, it will be found on examination that several of the most important defects which he names have no existence in point of fact, and that the residue of them are so trivial and harmless as to preclude any idea, in an unprejudiced mind, that they could have been made for any sinister purpose whatever, much less for that which Mr. Dawson supposes, of enhancing the credit of Vermont at the expense of New York. In an account of some twenty different conventions held during a period of twelve years from 1765 to 1777, which covers over fifty pages of the volume and includes the names of more than two hundred different persons, many of them several times repeated, the industry of the critic has enabled him to discover three or four instances in which he claims that either the christian or surname of an individual is wrongly given, and nearly as many in which he says the day of the proper month is erroneously stated, but none of them changing the character of the proceedings in the smallest degree. These, and such like errors, which may be found in almost all publications and even in the critic's own article,—all of which would have been readily accounted for by any impartial reader, as innocent mistakes of the copyist or of the type, with other charges which are unfounded in fact,—make up his indictment against the Society for fraud in their publication.

Mr. Dawson, after stating that "a merely casual glance at the reconstructed record has satisfied us [him] that it is entirely unreliable as material for history," proceeds to specify what he terms the "more important errors, in this very important portion of the volume" of the Society, under separate and distinct heads, fourteen in number, each of which we will now proceed to notice in its order. We shall be obliged to occupy more space in the investigation than we could desire, from the necessity we feel of copying most of the critic's complaints in full, that we may not be accused of doing him injustice in stating them, as well as to exhibit to our readers the temper, or as the lawyers would call it, the *quo animo* of his production.

We give SPECIFICATION No. 1 as near as may be, *verbatim et literatim*, as follows :

"1.—The Warrent for the first meeting, dated, according to this version, "ARLINGTON, 10th Decr. 1775" was really dated "ARLINGTON, 20th Decr. 1775;" and the third article of the same Warrent, instead of providing "To see if the Law of New York shall have free circulation where "it *doth* infringe on our properties, or Titles of Lands or Riots (so called) "in defence of the same," as indicated in this volume, really provided "to see if the Law of New York shall have free circulation where it *doth* "not infringe" &c. a distinction with a difference, which will be useful to those who shall study the temper of the Vermontese of that period, with due attention."

The convention of which the notice in the warrant dated at Arlington was given, was to be holden at Dorset the 16th of January 1776, and it was certainly of no moment whatever, whether it bore date the 10th or the 20th of December, and in regard to the other supposed error complained of by Mr. Dawson, we fail to see what "the distinction with a difference" can possibly be. No question depending on the language of the article respecting "the free circulation" of the law of New York appears to have been voted upon. The convention resulted in a petition to the continental Congress, to be allowed, for the preservation of their land titles, to serve against Great Britain, under the Congress, as inhabitants of the New Hampshire Grants, and not under New York, of which petition the critic afterwards takes special notice. The omission of the word *not* in the Society's publication, if it really was an omission, was doubtless an error of the copyist or of the printer, and would have been so regarded by any one not anxiously seeking a pretext for fault finding.

No. 2.—Under this specification Mr. Dawson charges that Oliver *Evits* and not Oliver *Everts* was an "assistant clerk of the convention of January 16, 1775," and that it was James *Hard* and not James *Hurd* who "served on the committee to whom the third Article in the Warrent was referred." Well, it may be that Mr. Dawson is right. Both the assistant clerk and the committee man were persons unknown to fame, and it is impossible now to ascertain exactly how they wrote their names, for to this day *Everts*, *Hard*, and *Hurd* are names of many families in Vermont, and *Evits* is rarely, if indeed ever, used except incorrectly for *Everts*; but what shall be thought of a critic who shall gravely found a charge of fraud against respectable persons, on the discovery of so slight a variation in the spelling of the names of two obscure individuals, who had probably been dead for more than half a century.

If we were to follow the example of the critic in cavilling at trifles, we might call his attention to errors of date and of spelling in that part of his own article already noticed, of as great significance as those he charges upon the Society's publication. Thus, in his second specification, he speaks of the meeting at Dorset of which the before mentioned notice had been given, as having been held "the 16th day of January 1775," when in fact it was not held till January 1776, one year after, which is quite as important an error as that complained of by him in the alleged change of date



from the 20th to the 10th of December. Again, in his two first specifications he uses three times a word which we have not been able to find in any modern dictionary in our possession, viz. the word *Warrent*. We suppose Mr. Dawson wrote the word *Warrant*, with the letter *a* in the last syllable, and that the heedless typesetter changed it into an *e*, three times repeated, which makes it quite as great a blunder as the supposed change of the name of *Hard* to *Hurd* by mistaking the letter *a* for the letter *u*. We are not so uncharitable as to charge Mr. Dawson with intentional fraud in this matter.

CHARGE NO. 3 is, that in the Petition to Congress which was adopted at the January convention of 1776 before mentioned, the order of the King in Council making Connecticut River the boundary between New York and New Hampshire was recorded in the minutes of the convention "as of the date of the 4th of July A. D. 1764"; but that in the Society's "*reconstructed* minutes" the date is given as the 20th of July 1764. We do not believe the date was recorded as of the 4th of July in the *original minutes*, but if it were, it was clearly a clerical mistake, which ought at once to be corrected. The official certified copy of the order which was sent out from England to Lieutenant Governor Colden, and which he published to the settlers by proclamation the 10th of April 1765, is found in the office of the Secretary of State at Albany, in volume 92 of Colonial Manuscripts at page 122. Copies of it are in the 4th Volume of the Documentary History of New York at page 574; in Volume 3 of Belknap's New Hampshire, page 389; and in Slade's Vermont State Papers, page 19,—all with the date of July 20, 1764. That date is also given in all histories that treat of the matter. The date of the declaration of American independence might as well be stated to have been the 20th of July, as that of the king's order to have been the 4th of that month.

THE NEXT SPECIFICATION of Mr Dawson is as follows :

"4.—In the same Petition and Remonstrance, reference was made, as duly recorded by the Clerk of the Convention, on the Minutes of the Convention, reference was made to the aggregate body of "Land Traders" whom the Vermontese were then resisting: in the reconstructed *Minutes*, by interpolating the words "of New York," those who have controlled the volume before us have managed to secure a new weapon for their use, in their contest with the phantoms, *from New York*, which have so long haunted them."

The words "reference was made" seem to have been *interpolated* in this specification. Should not Mr. Dawson call somebody to account for this act of *re-construction*? If the reader will examine the publication complained of, he will find that the phrase "Land Traders of New York" is used three times in the Petition, twice on page 17 and once on page 18. In the first instance, "*the Monopolizing Land Traders of New York*" are charged with being instrumental,—after the petitioners had obtained and

settled on grants from New Hampshire,—in procuring the king's order of July 1764 changing their jurisdiction to New York. In the second place, that “*the Land Traders of New York Petitioned the then Governor of that Province for grants of Land*”, and obtained grants of lands occupied by the petitioners. In the third instance, the petitioners speak of “*the unhappy disputes which have happened between those Land Traders of New York*” and the petitioners. The words above given in Italics are exact quotations from the petition.

The pith and substance of this complaint (No. 4) is, that by inserting the words “*of New York*” after those of “Land Traders”, *one time too many*, “those who have controlled the volume” have constructed “a new weapon” with which to combat New York. It must be a sufficient answer to this complaint, that the *weapon*, whether useful or not in a fight with New York, is by no means a *new* one, but is a weapon that was in existence a long time before the Society's publication was thought of. In Slade's Vermont State Papers, published in 1823, pages 61 to 64, the Petition will be found with the words “Land Traders of New York” inserted three times precisely as in the Society's publication. The Petition is also printed in the Rural Magazine, published at Rutland, Vt., by Dr. Samuel Williams, for the month of May 1795, (Vol. 1, p. 259,) with the obnoxious words “of New York” following “Land Traders” in all the places where it is found in the Society's volume. The complaint therefore of the critic, that “those who have controlled the volume before us have managed to secure a *new* weapon for their use, in their contest with the phantoms *from New York*,” is altogether unfounded, the weapon being at least seventy-five years old.

It seems not a little remarkable that Mr. Dawson, who had the State Papers of Mr. Slade before him, while he was preparing his criticism, as will hereafter be seen, should have failed to look into the Petition in that volume. If he had done so he would have seen that the Society's Committee had nothing to do in constructing the supposed new weapon, and might thus have been spared *the unpleasant duty* of making a false charge against them. That he heedlessly neglected to notice so obvious a source for information on the subject, certainly cannot serve to strengthen any reputation he may now have for being a thorough and impartial searcher after historical truth.

But there could be no motive whatever for “those who controlled the volume” to insert the words *of New York* in the manner complained of, for their insertion or omission could not alter the sense of the Petition in the slightest degree. Mr. Dawson has not condescended to state in which of the three places of the Petition the words “of New York” have been *interpolated*. It could not have been where the Land Traders were first mentioned, because it would have then been indispensable to state what Land Traders were intended, and the words “of New York” would be necessarily used. It could not have been in the second instance because

the words "that Province," which follow "Land Traders" in the same sentence, could refer back to no other word but "New York" which must have been previously used. It must, then, have been in regard to the third in which the offense was charged, and what is the offense? It is this, that after the term "Land Traders of New York" had been twice used in the Petition, the same Land Traders had in Mr. Dawson's manuscript been designated as "*those* Land Traders," and that the Committee had improperly added to "*those* Land Traders" the obnoxious words "of New York." Every one will readily see that "*those* Land Traders" of Mr. Dawson were the identical "Land Traders of New York" which had been previously mentioned, and that the additional words "of New York" did not and could not change the meaning of the language in the slightest degree. But if the additional words had been *newly* inserted, as charged by Mr. Dawson, the idea that they could in any way have been used as a "weapon" against New York must be set down as a mere "phantom" of the critic's own "haunted" imagination.

SPECIFICATION NO. 5 is in the following words :

"5.—The *official signatures* of the Chairman and Secretary of the Dorset Convention of the sixteenth of January, 1776; which this version of the *Minutes* presents, in the record of the same Petition and Remonstrance, at the foot of the nineteenth page of this volume, *are not in the original Minutes, as left by the Secretary who wrote them*; and, to those who are unacquainted with the facts, this strange error, of either the Editors or the Printer of this volume, will serve to destroy the usefulness of the entire entry, and to mislead those who are groping, in this dark subject, for the exact truth of the matter."

The *Italics* in this quotation, as well as the capitals, are the critic's, not ours. In making this charge, Mr. Dawson must have forgotten to take even his "merely casual glance at the teachings of this reconstructed record," with which he commenced his notice of it, for the charge is wholly without foundation in fact. The conclusion of "the Petition and Remonstrance" is, indeed, on the 19th page, but it ends with the words, "as in duty bound, your honors' petitioners shall ever pray," without any *signatures* whatever—"official" or otherwise. It is followed, near "the foot of the nineteenth page," by the proceedings of the convention which adopted it, which proceedings are concluded and certified towards the middle of the succeeding page. The publication, in this respect, is entirely without error. The proceedings of the convention of January 16, 1776, are given precisely as found in Slade's State Papers and in the Rural Magazine before referred to, and word for word as copied by Judge Phelps from the manuscript before described, and which is presumed to be that which is now in the possession of Mr. Dawson. We venture to say that if he will allow the Society's publication to be compared with his own manuscript, it will be found to agree with it *verbatim et literatim*.

If the absolute falsehood of this charge was not seen by Mr. Dawson, he at least made it without any examination into its truth, and with a heedlessness of the reputation of others which cannot entitle him to any special commendation as a model of historical research and fairness. He must at least be content to accept for himself the sentence he so flippantly passed upon the Editors, and admit that this "strange error" of his should "serve to destroy the usefulness" and credit of his "entire" article.

The following is the next SPECIFICATION in order :

"6.—The interpolation of a line, assigning a motive for the sudden attempt of Heman Allen to withdraw the insurgents' Petition and Remonstrance from before the Continental Congress, was simply a piece of impertinence on the part of the Editors and is a fraud on those who shall read these re-constructed *Minutes* : there is no such reason assigned, in the real Minutes, as written by the Secretary of the Convention."

Doubtless a reader of these strictures of the critic would infer from his language that the Editors he mentions had inserted in their publication certain words which did not belong there, in such a manner as to give their readers to understand that they formed a part of the original journal. They have done no such thing. They have inserted words between brackets—[thus]—as an indication that perhaps an omission had been made in the journal, which those words would supply. This practice is quite too common to deceive any one. It is indeed always understood to amount to a statement that the words thus included in brackets do *not* form a part of the text, and it is presumed that few persons other than Mr. Dawson—and he perhaps only in an emergency—would think of founding a charge of fraud upon it.

Heman Allen had been charged with the presentation of the petition of the 16th of January 1776 to Congress, and his account of his proceedings with it was entered on the journal of the convention of the 24th of July following. His statement of the withdrawal of the petition, thus entered, closed with the words, "the Petition not being ready at hand at that time," which seemed inconsistent with the facts, first, of its being in the possession of Congress and not of Mr. Allen at the time alluded to, and second, of its withdrawal. On recurring to the journal of Congress it was found that that body, on the 4th of June 1776, passed a resolution in relation to it as follows :

"*Resolved* that Heman Allen have leave to withdraw the petition by him delivered in behalf of the inhabitants of the New Hampshire Grants, *he representing that he has left at home some papers and vouchers, necessary to support the allegations therein contained.*"

It of course occurred to the "Editors" that Mr. Allen would report to the convention the statement he had made to Congress, and therefore it was "the papers and vouchers" mentioned in the resolution of Congress, rather than the Petition, which he said were "not at hand", and

for that reason words to such effect were inserted in brackets, when the conclusion of Mr. Allen's account would be as follows :

[Some papers and vouchers necessary to support the allegations in] "the Petition not being ready at hand at that time."

For this suggestion in brackets, reference was made to the proceedings of Congress on the subject in Slade's State Papers and the Early History of Vermont, so that every reader might know on what authority it was made and judge for himself what credit ought to be given to it. It is of very slight importance whether the suggestion be considered as entitled to credit or not. It is but a mere suggestion and certainly furnishes no ground on which to predicate a charge of fraud.

SPECIFICATION NO. 7.—In the proceedings of the Dorset convention of Sept. 25, 1776, which cover ten pages of the Society's publication, in which the names of fifty-one members and of thirty-five towns which they represented are given, Mr. Dawson has been able to find barely one grave error, and it is this, that Mr. Abraham Ives, instead of representing Wallingford, really represented N. Wallingford. He announces his important discovery of this offensive act of reconstruction in the following grave language :

"7.—In the Dorset Convention of the twenty-fifth of September, 1776, "Mr Abraham Ives" really represented "N. Wallingford," wherever that town may have been ; not "*Wallingford*," as these re-constructed *Minutes* would have us suppose."

Well, all we can say about it is that we have heard of but one township of Wallingford in Vermont, and that in the list of members and towns of this convention in Slade's State Papers, (p. 66,) and also in a similar list in the Rural Magazine, published in 1795, (Vol. 1, 309,) Mr. Abraham Ives is made to represent Wallingford precisely as in the Society's publication, and not N. Wallingford. As our critic requires N. Wallingford to be represented, "*wherever that town may have been*," it seems he would have us suppose that Vermont was honored on that occasion by a carpet-bagger from some other state. Somewhat careless work this, for a critic in history.

The seven remaining specifications of error discovered by Mr. Dawson, relate to the convention of January 15th, 1777, at which the independence of the New Hampshire Grants was declared. At the commencement of the journal of this convention as given in the Society's publication (p. 37,) it was stated that a part was taken from Slade's State Papers and the residue from the manuscript furnished by Judge Phelps. Ira Allen was the clerk of the convention, and the manuscript of Dr. Fay, from which Judge Phelps copied, does not purport to have been recorded by Dr. Fay, but to be a *copy* from that of Ira Allen, as may be seen at p. 42. Judge Phelps did not copy from Dr. Fay's manuscript that portion of the

proceedings which had been printed in Slade, but made notes of the points in which he saw they varied, and from his notes a few supposed errors of the type in Slade were corrected. In a single instance, of no great importance, the text in the State Papers was preferred to the copy of Dr. Fay, for reasons which will be given hereafter.

In further proof of the supposed dishonest purposes of the Editors of the Society's publication, Mr. Dawson insists that they have made two men represent *one* town in the convention, when in reality they were the representatives of *two*—each of a separate town. This grave charge is introduced as follows :

"8.—In the Westminster Convention of January 15, 1777, this version of the *Minutes* of that body would have us believe that "Lt. Leonard Spaulding" and "Lt. Dennis Lockland" jointly represented "Dummerston," and that the town of "Putney" was not represented in that Convention, by any one : the fact is, that "Dummerston" had only *one* Delegate—"Lieut Leonard Spaulding"—; that "Putney" *was* represented in the Convention ; and that "Lieut Dennis Lockland" was *her* Delegate, instead of Dummerston's."

We are very glad Putney as well as Dummerston was represented in this convention. It adds to its importance by showing that a larger number of towns participated in making the declaration of independence than had been supposed. Thanks to the critic for furnishing the "Vermontese" with this "new weapon for their use in the contest with the phantoms from New York." The error in the publication was copied from Slade's State Papers, where we suppose it must have been innocently made, by either the copyist or the printer. Lest Mr. Dawson's authority be doubted, we add that in this case he has stated the fact. The Vermont Almanac and Register for 1795, printed at Windsor by Alden Spooner, confirms Mr. Dawson's statement.

SPECIFICATION No. 9 charges that *Joseph* Williams and not "Josiah" Williams represented Pownal in this convention, which is doubtless true, as we find the name given as Major *Joseph* Williams by both Slade and Spooner. "Josiah" was a wrong reading of the manuscript copy, not chargeable to the Editors.

Mr. Dawson's next SPECIFICATION is as follows :

"10.—The re-constructed *Minutes* of the same Convention present a formal introduction of seven lines, to the Report on what is, in fact, Vermont's Declaration of Independence—certainly, as far as Vermont is concerned, an instrument of the first importance, as material for history—the original Minutes of the Convention itself, which constitute the original record of the paper, presented no such introductory matter, nor any other—our friends of the Committee to the contrary notwithstanding."

It was stated by the Committee at the commencement of the proceedings of this convention of January 1777, at page 37, that the part of the journal, which is here complained of, was copied from Slade's State Pa-

pers, and if Mr. Dawson looked into the declaration of independence as printed in that volume, he must have found those seven lines precisely as in the Society's publication. He was not a stranger to Mr. Slade's work. In his subsequent specification, No. 12, he speaks of Mr. Slade's "well known Vermont State Papers," and proceeds at once to make an important quotation from that work. The first six lines of the quotation are from the same page (69) on which the above "formal introduction" complained of is printed. We are, therefore, justified in assuming that Mr. Dawson did know, very well knew, that his proscribed introductory matter had been in print in that "well known" work for nearly fifty years. But with this knowledge he chose to treat the origin of those seven lines as a mystery, and to speak of them as if his "friends of the committee" had surreptitiously foisted them, for some sinister purpose, into their volume. He asserts positively, that "the original minutes of the convention presented no such introductory matter." We deny his authority thus to speak. We deny that he has in his possession the *original minutes* of this convention, and therefore controvert his assertion that the introductory matter was not in the original minutes. We confidently believe it was there, and shall continue in that belief until Mr. Dawson proves the contrary by the production of the original minutes.

We suppose the manuscript, which Mr. Dawson calls the original minutes, is the book of Dr. Fay which was seen and copied by Judge Phelps as before stated. Of this convention of January 1777, Ira Allen and not Dr. Fay was the Clerk, and at the end of its proceedings in Dr. Fay's book, as copied by Judge Phelps and printed in the Society's volume, page 42, it is certified, not as the original minutes, but as "A true copy from the original."

The introductory matter complained of is in the following words :

*"To the honorable convention of representatives from the several towns on the west and east side of the range of Green Mountains, within the New-Hampshire Grants, in convention assembled:*

Your committee, to whom was referred the form of a declaration setting forth the right of the inhabitants of said New Hampshire Grants have, to form themselves into a separate and independent state, or government, beg leave to report, viz.:"

That these introductory words were in the report as originally made to the convention there can be no reasonable doubt, and we think as little that they would be copied into the journal, as was the introductory matter to the report of another committee on the next page of the journal. This "formal introduction" is found in a copy of the proceedings published as long ago as 1823. It seems much more likely that they were omitted by Dr. Fay in his copy from Ira Allen's minutes, either by accident or from the belief that they might be properly left out, than that any one had undertaken to prepare them without authority to be inserted in Mr. Slade's publication. They were, indeed, merely formal, and

do not alter the meaning of the proceedings in any degree whatever, and why Mr. Dawson, even if he had been ignorant of their antiquity, should undertake to magnify their insertion in the Society's volume into an offence against historical integrity, is a question which he alone can solve.

The next CHARGE OF RECONSTRUCTION is as follows :

11. — "In the same important instrument, as originally recorded, a most important extract from the Journals of the Continental Congress, certified by the Secretary of that Congress, was introduced, as the foundation of the Convention's proposed action on that subject; in the reconstructed Minutes, the record of that resolution is changed in its terms, and the verification of the Secretary is altogether omitted—a curious and significant coincidence."

The part of the Society's work, here complained of, is copied literally from Slade's State Papers without diminution or addition, as Mr. Dawson well knew, and if it contains evidences of "reconstruction," he also knew they were of too great antiquity to be chargeable to the committee of publication. The "important extract from the Journals of the Continental Congress" is the resolution of that body of May 15, 1776, which is copied from Slade in the following words :

*Resolved*, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs, has been heretofore established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general."

Mr. Dawson's charge is quite indefinite, but on thorough examination we are satisfied it can be no other than the discovery by him, after diligent search, that the word *heretofore* which precedes the word established, in the resolution, and which is thus copied from Slade, is printed *hitherto* in the Journal of Congress. We are unable to find any other change in the terms of the resolution. To be sure this does not make the slightest change in the meaning of the resolution, the governments which had been "*heretofore* established" being those and those only which had been "*hitherto* established." But Mr. Dawson considers this altogether harmless change made in print nearly fifty years ago, which there could never have been any motive for making, and which could not have been otherwise than accidental, as of sufficient importance to sustain a charge of a dishonest purpose in "his friends of the committee." The committee he would insinuate wickedly changed the terms of the resolution by substituting the word *heretofore* for *hitherto*, and then to soften their condemnation if detected, suppressed the Secretary's verification of the resolution, which is in Slade (77,) but *not* in the report quoted from Slade (69). These two acts, we suppose, constitute the pith and point, if there be any, of the "curious and significant coincidence" with which his charge concludes; and all this, when Mr. Dawson had full knowledge that the com-



mittee had nothing to do in originating the changes of which he complains. He must have been extremely anxious to discover an occasion for fault finding, or he could never have resorted to so flimsy a pretense for it.

CHARGE NO. 12.—Mr. Dawson in his specification No. 12 makes a quotation of some length from the declaration of independence of the New Hampshire Grants, as printed in Mr. Slade's work, which he styles Mr. Slade's "well known Vermont State Papers," to show that the new State was therein called "New Connecticut alias Vermont," and he also refers to the beforementioned manuscript from which Judge Phelps copied as containing the same two names, in which he is doubtless correct. In the copy in the Society's volume the words "alias Vermont" were omitted and in their place were inserted two brackets, and between them was a sufficient space to contain the words, with a reference to a foot note, thus—[<sup>1</sup>]—which note was as follows :

"Here in the copy in Slade's State Papers the words *alias Vermont* are inserted ; but that they could not have been in the original declaration appears from the subsequent use of the name New Connecticut alone, and from the proceedings in the convention of the 4th of June following, where the name was changed to Vermont. *I. Allen's Vt.*, p. 79, and *H. Hall's Vt.*, p. 239, 297."

Mr. Dawson discovers, in this suggestion of error in the two copies of the declaration, a very great outrage. He says that both the before mentioned copies—from Slade and Phelps—were "before the committee when it issued this reconstructed record ; and we confess," he says, "we are not acquainted with the principle which warranted the committee, in the face of the two distinct copies of the original, to not only omit from its version of the *Minutes* the words "*alias Vermont*," but to discredit the fidelity of the only text which it employed, by doubting the existence of the words elsewhere," and he concludes his condemnation of this act of the committee, with the sad reflection that "*Such is Vermont history, as written by Vermont historians.*" There was certainly no attempt of the committee in this case to practice a deception in regard to the name, and whatever may be thought of the credit to which their suggestion—that the *alias Vermont* was not in the original declaration—is entitled, it is presumed there are few persons besides Mr. Dawson who will be disposed to treat it as furnishing ground for any special stigma upon Vermont or Vermont historians.

We will now proceed to give, as briefly as we can, some reasons for the belief that the words *alias Vermont* were not in the original declaration. In the language found in the Vermont State Papers and quoted by Mr. Dawson, the territory of the New Hampshire Grants "is hereby declared forever hereafter to be considered as a separate, free, and independent jurisdiction or state ; by the name, and forever hereafter to be called, known and distinguished *by the name of New Connecticut, alias Vermont.*"

The idea that the convention should solemnly resolve and enter on their record of the formation of a new state for all time, that it should forever thereafter have and be called by two names, or by either of two, as any and every person pleased, is, certainly, in a very high degree improbable. We suppose it more probable that the first name of the state was *New Connecticut* only, and that after the name had been changed to Vermont, the words *alias Vermont* were added by way of explanation that New Connecticut had become Vermont, and without the expectation that the added words would be treated as part of the original record. That the "alias Vermont" could not have been in the original declaration seems to be very clearly indicated by the evidence referred to in the foregoing note, which we will now introduce :

1.—The declaration was adopted by the 10th vote of the convention, after which New Connecticut is twice given in the Journal as the name of the State, and no further mention is made of Vermont,—thus :

"12th. *Voted*, That the Declaration of *New Connecticut* be inserted in the newspapers.

13th. *Voted*, That Captain Heman Allen, Col. Thomas Chandler, and Nathan Clark, Esq., be a committee to prepare the Declaration for the Press as soon as may be.

14th. *Voted*, That Doct. Jonas Fay, Col. Thomas Chittenden, Doct. Reuben Jones, Col. Jacob Bailey and Capt. Heman Allen be the Delegates to carry the Remonstrance and Petition to the Hon. Continental Congress and further to negotiate business in behalf of *New Connecticut*."—*Vt. Hist. Collections*, Vol. 1, p. 41.

2.—The revised declaration, as prepared for the Press in pursuance of the 13th vote of the convention, was published in the *Connecticut Courant* for March 17, 1777, which revised declaration concludes in these words, "The said State hereafter to be called by the name of *New Connecticut*."—*Ibid*, p. 47.

3.—The January convention of 1777 adjourned to meet at Windsor the 4th day of the following June. The proceedings of this convention commence as follows :

"NEW HAMPSHIRE GRANTS (*alias*)

NEW CONNECTICUT.

} Windsor, June 4, 1777.

Convention opened according to adjournment, &c."—*Ibid*, p. 48.)

The following are extracts from the Journal of the further proceedings of this convention ; which were altogether inconsistent with the supposition that the name *Vermont* could have been in any way used at its previous meeting.

"STATE OF VERMONT,

In General Convention, Windsor, June 4, 1777. }

Whereas this convention did at their session in Westminster, the 15th day of January last, among other things declare the district of land commonly called and known by the name of the New Hampshire Grants to be "a free and independent state capable of regulating their own internal police in all and every respect whatsoever, and that it should thereafter be known by the name of *New Connecticut*." \* \* \* \* \*

\* \* and Whereas, this convention have been informed that a district of land lying on the Susquehanna river, has been heretofore and is no known by the name of New Connecticut, which was unknown to them until sometime since the declaration at Westminster aforesaid; and as it would be inconvenient in many respects for two separate districts on this continent to have the same name :

*Resolved*, Therefore, unanimously, that the said district described in the preamble to the declaration at Westminster, aforesaid, shall now hereafter be called and known by the name of VERMONT.—*Ibid*, p. 50.

Afterwards at the same convention the question was proposed whether the members would proceed to business on the former declaration at Westminster, “with this alteration only, *that instead of New Connecticut the said district should ever be known by the name of Vermont*,” and it was voted by the 71 members present in the affirmative.—*Ibid*, p. 51.

The official proceedings of these two conventions, of January and June 1777, seem conclusively to show that the first name given to the state must have been *New Connecticut* only, and that afterwards the name Vermont was substituted for it.

4.—Further, Ira Allen, who, as we have seen, was clerk of the January Convention at which this declaration of independence was made, gives in his History of Vermont the substance of it in nearly the same language as it is in Slade’s State Papers, in which it is declared that the state is “to be forever hereafter called, known and distinguished by the name of *New Connecticut*,” without any mention of Vermont. Mr. Allen also afterwards says that the name *Vermont* was given to the state by Dr. Thomas Young of Philadelphia, and that the delegates of the January convention, who had been appointed to present their declaration to the Continental Congress,—“Fay, Chittenden, Allen and Jones,—returned from Congress, without the decision of that body on their petition in behalf of the inhabitants, and brought with them Dr. Young’s letter printed and published at Philadelphia, addressed to the inhabitants of VERMONT.”—*Allen’s Vt.*, 79, 86, and *Vt. Hist. Collections*, Vol. 1, 375, 379.

The true history of the change of name is doubtless the following : When the delegates arrived at Philadelphia they learned that the name New Connecticut had already been appropriated for another territory, and saw the necessity of changing it. On consultation with Dr. Young they approved of his recommendation of the name *Vermont*, and agreed to favor its adoption. In their petition to Congress, which was presented the 8th of April 1777, they did not, therefore, mention any name for their new state. Doct. Young’s letter, with which they returned to Vermont, bore date the 11th of April 1777. All the delegates were members of the following June convention, and participated in making the change of the name of the state from New Connecticut to Vermont agreeably to their previous understanding with Dr. Young.

We have perhaps occupied more space in the consideration of this question than it deserved. It has nothing whatever to do with the old

controversy between New York and Vermont, for as regarded that, the name assumed by the new state was quite immaterial. We are unable to account for Mr. Dawson's hot indignation at the innocent suggestion of the committee of publication in this matter, but upon the supposition — which indeed derives support from what he has long been attempting — that he considers himself engaged in a mission to discredit and condemn all Vermont history whatever.

We trust sufficient evidence has been adduced to show that the suggestion that the first name of the new state was New Connecticut, without an *alias*, was not rashly and inconsiderately made.

Mr. Dawson's 13th COMPLAINT is as follows :

"13.—The latter part of the Report or Declaration of Vermont's Independence, is so perfectly muddled — there are not less than five serious errors, affecting the sense, within the last six lines — that no one except an expert in Vermont history, can possibly understand it, accurately."

The language in the Society's Volume is the same as in Slade's State Papers, and as we are unable to discover the "five serious errors" spoken of, we pass over this specification without further notice.

The final crushing CHARGE OF RECONSTRUCTION is as follows :

"14.—Messrs. John Sessions and *Simeon* Stephens were the two Representatives from Cumberland County, in the convention of the State of New York, whom the insurgents in Vermont directed to withdraw from that body ; Messrs. John Sessions and *Simon* Stephens, are said in this reconstructed record, to have thus officiated as such Representatives, in the Legislature of New York, of which State Vermont was then a part."

We take issue with Mr. Dawson and say, that *Simeon* Stephens was *not* a member of the New York Convention, as asserted by him, but that *Simon* Stephens (or rather *Simon Stevens*, as the latter name was usually spelled,) *was*. And for proof we refer him to volume 1, page 515, of the Journal of the New York Convention published at Albany in 1842, where in the Journal for July 9, 1776, he will find the following entries, viz. :

"The Deputies from Cumberland county attending, produced a certificate, signed by James Clay, chairman of the county committee, and dated at Westminster the 28th of June last ; whereby it appears that Colo. Joseph Marsh, *Simon* Stevens and John Sessions, have been duly elected to represent said County in this Congress, and invested with full powers of legislation, &c.

*Ordered*, That the Deputies from Cumberland county take their seats."

It appears also from B. H. Hall's History of Eastern Vermont, pages 258, 263 and 787, that *Simon* and not *Simeon* Stevens was the delegate to the New York convention, whom the Vermont convention of January 1777 "directed to withdraw from that body." B. H. Hall gave many particulars in the life of *Simon* Stevens, and among them his residence in Springfield. *Simon* Stevens represented Springfield in the Vermont

State Convention of January 1791, which adopted the Constitution of the United States. The delegates signed the resolution of adoption, and the original paper, *with the autograph of Simon Stevens*, is in the possession of one of the "Editors" of the Society's publication. So much for the overweening confidence of Mr. Dawson in *Simeon* Stephens, and in his own infallibility.

We have now gone through with the examination of all the evidence brought forward by Mr. Dawson to fasten upon the Vermont Historical Society the charge of undertaking to impose upon the public a false and fraudulent account of the early proceedings of the people of their state, in order, as he would have his readers believe, that their conduct towards the government of New York, in their ancient controversy, might appear in a more favorable light than the facts as they really existed would warrant. We have seen that he has utterly failed to adduce a particle of proof to sustain the charge; that the most important of the changes alleged by him to have been made from what he calls "the original record," have no existence in point of fact, and that the residue are so trifling and insignificant as to preclude any supposition that they could have been made for any sinister purpose whatever, consisting of such changes as the substitution of one vowel for another in the spelling of the first or second name of some unknown person; by the use of one figure for another in a date of the month, or the omission or the insertion of an unimportant or synonymous word, which makes no alteration in the meaning—all of which changes any unprejudiced reader, if he noticed them, would at once have set down as accidental errors of the copyist or of the type—such errors indeed as an industrious critic might find in the most carefully prepared work—such as are, in fact, found in Mr. Dawson's own criticism quite as frequently as in the pages of the Society's publication which he condemns.

The hostile temper of Mr. Dawson towards "the Vermontese," and his predetermination to find something to complain of against them, are as clearly exhibited in the language of his criticism, as its destitution of facts to sustain it is shown to have been. The standing program of his Magazine, which is printed on its covers, states that it will contain, among other things, "*Carefully prepared and impartial notices of New Books and Engravings, especially those relating to the History, Antiquities or Biography, of America.*" If his present article on the volume of the Vermont Historical Collections is to be taken as a fair specimen of his "carefully prepared and impartial notices of new books," the aid to be expected from this department of his Magazine in the elucidation of American history cannot be very great.

After the full exposure which has been made of the fallacy of Mr Dawson's criticism, it may be pleasant to read his concluding tirade against Vermont history and Vermont historians. It is as follows:

"There are many other errors which we have not space enough to allude to ; but we have said enough to show how entirely useless this portion of the volume is, as *an authority* in historical inquiry. It may serve the purpose for which it was probably intended among those who read the history of Vermont from the Vermontese stand-point ; but to those who read history for the purpose of ascertaining what the truth is concerning those, within the recognized territory of New York, who refused obedience to the laws and public officers of the state of which they openly professed to be citizens — of those in fact, who led all others in the grave offence of secession from a recognized government, exercising legal and publicly-recognized authority over them, some other authority will be requisite. These, probably, will not be contented with either Vermont history or Vermont historians, as the former is now written, and as the latter now write."

This is not a proper occasion for discussing with Mr. Dawson the merits of the old controversy between Vermont and New York, which ended in the acknowledgement of the independence of the former by the latter. Mr. Dawson, as often as he has taken occasion to assail Vermonters and Vermont history, has never got beyond the argument that is stated in the above paragraph, that the Vermonters were criminally wrong, because they "refused obedience to the laws and public officers of the state of which they openly professed to be citizens." It does not seem ever to have occurred to him that there might be an important question beyond *that*, viz.: *Whether the actual and threatened oppressions of the New York government were not such as to justify their disobedience?* He does not appear to see that this question arises in the case of New York against Vermont precisely as it did between Great Britain and her colonies, and that Vermonters did not, as he states, take the lead of "all others in the grave offence of secession from a recognized government, exercising legal and publicly-recognized authority over them," but only followed the example and lead of the American colonies in their secession from Great Britain,—the secession of the colonies having taken place July 4, 1776, while that of Vermont did not occur until the following January. In this and such like condemnation of the Vermonters, he merely repeats the argument of the old English Tories against the colonists, who equally with the Vermonters had refused obedience to the laws of a "recognized government" to which they acknowledged themselves to be legally subjected. If Mr. Dawson should ever get beyond the point of calling the Vermonters hard names, and should undertake to show that the conduct of the New York government, in endeavoring to deprive the Vermont settlers of the lands they had honestly purchased and improved, for the benefit of a set of New York city speculators, was right and just, and ought to have been submitted to, we shall be glad to see his evidence and read his argument. We are inclined to think he would find it rather an ugly business, and that he will not venture upon it.

• We are well aware that in any controversy with the Editor of the His-

torical Magazine, we Vermonters stand on greatly unequal terms. His article is extensively circulated through the country, while this refutation of it will be seen by comparatively few persons. His hitherto unceasing hostility is not likely to be conciliated by this expose of the injustice and absurdity of his attacks, and we may expect a continuance of them, with perhaps increased violence. We shall probably be content to rest under any further imputations he may cast upon us, without reply. His seemingly uncontrollable propensity to impugn the motives and assail the integrity, as well as to misrepresent the conduct and arguments of those who fail to concur in his opinions and share his antipathies, cannot but be well known to his readers, and we confidently trust they will be prepared to make due allowance for this unhappy weakness of his, and will estimate what he may say at just about its actual value.

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RIEDESEL.—Almost uniformly this name has been printed in both volumes—"Reidesel"—erroneously.

VOL. I., xviii.—The officers were elected in October, 1869; and by an act of the General Assembly, Nov. 9, 1869, the Secretary of State, GEORGE NICHOLS of Northfield—the Auditor of Accounts, DUGALD STEWART of Middlebury—and the State Librarian, CHARLES REED of Montpelier, were made *ex officio* Members of the Society, and of the Board of Curators thereof. Pursuant to this act, the *ex officio* Members and Curators, for the term from October 1870 to October 1872, are GEORGE NICHOLS of Northfield, WHITMAN G. FERRIN and CHARLES REED of Montpelier.

VOL. I., 10.—The word "prosecute," line one, should probably be *proceed*.

VOL. I., 11.—Article third of Warrant—see VOL. II., x.

VOL. I., 37.—In the list of Members of the Westminster Convention Lieut. Leonard Spaulding should have been printed as sole Member for Dummerston, and Lieut. Dennis Lockland as Member for Putney. In the same Convention, Major Joseph Williams, and not "Josiah," was member for Pownal.—VOL. I., 38. See VOL. II., xvi.

VOL. I., 40.—The reference, note 1, should be to H. Hall's *Early History of Vermont*, 239, 497.

VOL. I., 74.—Verse 22 of the 31st chapter of Job is evidently omitted, and the word "lift" in v. 21 should be *lifted*. The discourse was extemporaneous, and the copy for the printer originally was by the author confessed to be "hurried into the world," and "undigested."

VOL. I., 113.—The title page there inserted was either from an edition subsequent to the first, or supplied by conjecture to an imperfect copy. By another favor of Hon. JAMES H. PHELPS of West Townshend, a true copy has been furnished. The reader will observe that the title was really an introduction to and explanation of the purpose of the pamphlet. The true title was as follows :

S O M E  
MISCELLANEOUS REMARKS,  
A N D  
SHORT ARGUMENTS,  
O N A  
S M A L L P A M P H L E T,

Dated in the CONVENTION of the REPRESENTATIVES of the  
STATE of NEW-YORK, October 2, 1776, and sent from said  
CONVENTION to the County of CUMBERLAND,

A N D

Some REASONS given, why the District of the *New-Hampshire*  
*Grants* had best be a STATE.

---

By I R A A L L E N.

---

H A R T F O R D .

Printed by EBENEZER WATSON, near the  
GREAT BRIDGE.

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M.DCCLXXVII.



VOL. II., 14.—The extract from the *London Courant* of April 23, 1782, referred to in the text, is the same as the extract from a letter dated Jan. 5, 1782, and transmitted to the New York Assembly by Gov. Clinton. It will be found on pages 257-258 of this volume.

VOL. I., 412-413, and VOL. II., 94, 97.—Henry B. Dawson's *Historical Magazine*, for Jan. 1871, contains a copy of the record of the Charlestown Convention of January 1781, which was furnished by Captain W. F. GOODWIN, U. S. A. It shows that LUKE KNOWLTON was an active member of the Convention, and the name of STEPHEN R. BRADLEY does not appear in it. Knowlton was in Philadelphia, as agent of the adherents to New York in Windham County, in September 1780, when the scheme for the East Union was devised. STEPHEN R. BRADLEY and IRA ALLEN were there at the same time. Allen alone was sent by the Governor and Council to the Charlestown Convention, with credentials as delegate from the town of Sunderland, and was very influential in it, though he did not act as a delegate. It is pretty certain, therefore, that IRA ALLEN and LUKE KNOWLTON were the originators of the East Union of 1781. The record of the Charlestown Convention is reserved for VOL. III.—See *Early History*, 312, 337-338.

VOL. I., 394, 413. VOL. II., 56, 97-99.—The "Mason Grant" or "line," so often referred to, is in no place described except as extending sixty miles from the seacoast. Nov. 3, 1620, King James granted all of North America between the fortieth and forty-eighth degree of latitude, and extending from the Atlantic ocean to the Pacific, to the Council of Plymouth, a land company composed principally of English courtiers and merchants. This Council made several grants to Captain John Mason, and to him in company with Sir Ferdinando Gorges: 1st, MASONIA, March 9, 1621, between Naumkeag (or Salem river) and the Merrimac, extending to the head of the latter; 2d, PROVINCE OF MAINE, Aug. 10, 1622, between the Merrimac and the Sagadahoc (Kennebec) rivers, running sixty miles from the sea coast; 3d, NEW HAMPSHIRE, Nov. 1, 1629, the territory between the Merrimac and the Piscataqua rivers, extending to the head of the first and sixty miles up the last named river; and 4th, LACONIA, Nov. 17, 1629, which seems to have extended westward from the then granted Province of Maine to the centre of Lake Champlain—thus embracing about two thirds of New Hampshire and Vermont, and also Canada to the north bank of the St. Lawrence. None of these grants were perfected, however, except the 3d, NEW HAMPSHIRE, and it is to this that all the references are made in these volumes. This territory extended, on a strict construction, to the present town of Franklin, N. H., and embraced the counties of Rockingham, Strafford, Belknap, and parts of Hillsborough, Merrimac, and Carroll. Hence when Vermont claimed jurisdiction to the "Mason line," the claim covered all the rest (about two thirds) of New Hampshire.—See Bancroft's *Hist. of the U. S.*, vol. i., 272; *Provincial Papers of New Hampshire*, vol. i., 5, 12, 38, 40; and *New Hampshire Hist. Soc.*, vol. ii., 272.

VOL. II., 5.—Note 4 is inaccurate. There were eleven volumes of the "STEVENS PAPERS," the eleventh being an index to the preceding ten. The collection consisted of public documents, letters, &c., copied from the archives of neighboring States and the United States, and from the papers of leading men in this and other States, official and private, wherever they could be found. These were chronologically arranged, and covered the years 1775 to 1791, both included. The volumes for 1775, 1776 and 1777, with the index to the whole ten, are still in the possession

of the State, but the remaining seven were lost in 1857. Copious notes and abstracts had been previously taken, however, by both BENJAMIN H. and HILAND HALL, and these were used in the *Eastern Vermont* of the former, and the *Early History* of the latter; so that in fact the substance of the most important papers has been preserved. It is probable that many of the papers may be recovered, in the collection of the late PETER FORCE, Esq., now the property of the United States. The volumes entitled "STEVENS PAPERS" were so called to distinguish them from other volumes of manuscripts collected by the late HENRY STEVENS, senior, of which there were about fifty in all, and among them were the two folio volumes of the "HALDIMAND PAPERS," now first printed by the Vermont Historical Society.

VOL. II., 81.—The word "commissions" (so written in the copy) in line four of Gen. Bayley's letter, should be *commissaries*.

VOL. II., 110.—The word "excluded" in line five is printed as in the copy. It should be *extended*.

VOL. II., p. 132, and note 4; and p. 195, note 1.—The extract on p. 132 is from a journal by Doct. George Smith, (variously written and printed, Smith, Smyth, and Smythe.) Though he was one of Haldimand's commissioners in the negotiation, he was in Albany and vicinity from the 20th of April to at least the 27th of May 1781, and of course was not present at the interview on Isle aux Noix May 8-25, 1781. The journal quoted was intended for Gen. Haldimand, but it was intercepted and a copy sent to Gen. Washington by Gen. Schuyler in a letter dated May 27th 1781. The note on p. 195 is therefore wrong. Another paper from Smith was intercepted at the same time, and a copy of it has this endorsement: "A copy of a letter in Doctor Smyth's handwriting, supposed to Gen. Haldimand. Intercepted 27th of May 1781." See Stone's *Life of Joseph Brant*, vol. II., 153, 540-543. Mr. Stone prefixed "8th of May" as the date of the last two lines of the extract on page 132 of this volume.

VOL. II., 133, note 3.—For "Roger Enos" read *Gen. James Clinton*.

VOL. II., 165.—The first signature to the letter to the President of Congress should be *Jonas Fay* instead of "Joseph Fay." See page 138.

VOL. II., 213, note 2.—The words—*See Index to Stevens Papers*, 50—should have been added.

VOL. II., 243.—"Hinman Swift" probably should be *Col. Heman Swift*, of Connecticut. See *Records of the Revolutionary War*, by W. T. R. Saffell, 433.

VOL. II., 253, 293.—The letter commenced on each page should have the *H.* prefixed, being of the Haldimand Papers.

VOL. II., 328.—In the committee on the resolutions of Congress of 5th December 1782, "Evans" should be *Enos* (Roger.)

VOL. II., 429.—The reference in blank should be—*post*, 448.

VOL. II., 449.—The suggestion that Mr. St. John's signature was *St. John de Crevecoeur* is manifestly correct. The *General Gazetteer* (by Doct. R. Brooks, revised by Rev. Jedediah Morse, 1816.) locates the town of Crevecoeur in France, in the Department of the North. Mr. St. John was for a time consul for France at the port of New York.

VOL. II., 465.—The title of the page should be *October Session*, &c.

NEGOTIATIONS  
BETWEEN  
VERMONT  
AND  
FREDERICK HALDIMAND,  
GOVERNOR OF CANADA  
AND LIEUTENANT-GENERAL AND COMMANDER OF THE BRITISH FORCES THEREIN :  
WITH CONTEMPORANEOUS DOCUMENTS.  
1779-1783.



## PREFATORY NOTE.

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TWO manuscript volumes of the "Stevens Papers," entitled HALDIMAND, in the Secretary of State's office at Montpelier, consist mainly of the correspondence and memoranda connected with the negotiations between Vermont and the Governor of Canada, from January 11, 1779, to March 25, 1783 -- the letter of the last date, and the last from Gov. Haldimand to Vermont, being in Williams's History, but not in the "Stevens Papers." The "Haldimand Papers," so called, were furnished by HENRY STEVENS, Jr., for his father, from the late JARED SPARKS, who had them copied from the Papers of Lord Dorchester, in the Royal Institution in London. The Dorchester Collection itself, says Mr. STEVENS, was at that time very imperfect. Quite recently *The Haldimand, or Canada Papers*, have been discovered -- all carefully arranged and bound, in some three hundred volumes. They are rich in historic materials, and doubtless contain much that Vermont does not yet possess concerning her own history. It is believed, however, from a comparison with the account of the same transactions in Williams's History, -- which was evidently made from papers then in possession of Gov. Chittenden, Ira and Ethan Allen, and Joseph Fay, -- that Vermont's manuscript collection of *The Haldimand Papers*, with contemporaneous documents from other sources, will give a substantially correct and satisfactory account of a very interesting and most sharply criticised episode in the history of VERMONT AS AN INDEPENDENT AND SOVEREIGN STATE. For this reason the Publishing Committee was desirous of giving it a place in the Historical Collections of Vermont. Learning that BENJAMIN H. HALL, of Troy, N. Y., author of the *History of Eastern Vermont*, had procured copies of *The Haldimand Papers*, he was informed of the wish of the Society to place

them among their collections, and invited to arrange and edit them for this volume. Mr. Hall declined to superintend their publication, but most courteously and kindly presented the committee his manuscript copies, which, verified by those in the Secretary of State's office, have been used under the title "HALDIMAND PAPERS," in this volume, following the introduction. The Publishing Committee has arranged them in chronological order, and added such other documents and notes as were deemed relevant.

## INTRODUCTION.

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THE first invitation for the reconciliation of Vermont with Great Britain was made March 30, 1780, by Beverly Robinson, colonel of a regiment of loyal Americans in New York city, to Ethan Allen ; but it was not received by Allen until July of that year.<sup>1</sup> Robinson invited proposals "to the commander-in-chief," sir Henry Clinton, and promised to lay them before him. February 2, 1781, Robinson again addressed Allen, asserting that he wrote "with more authority," and "could obtain the terms mentioned in the above [first] letter."<sup>2</sup> It is certain that his "authority" could not be less than that of sir Henry Clinton. Allen returned no answer to either of these letters, but communicated both to Congress, in a letter dated March 9, 1781. The first letter of Robinson was communicated, immediately after its reception, to gov. Chittenden and some confidential persons, who agreed in opinion that it was not best to return any answer ; but it was agreed that the governor should address general Haldimand, governor and commander of the British forces in Canada, on the subject of *a cartel for the exchange of prisoners* ; which was accomplished.<sup>3</sup> Gov. Chittenden wrote to gen. Haldimand for this purpose in July, according to Williams, [vol. II, 206,] but September 27, 1780, according to a manuscript note by B. H. Hall.<sup>4</sup> October 22, 1780, gen. Haldimand replied, expressing an

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<sup>1</sup> Williams's *Vermont*, second edition, Vol. II, 202. In *Ethan Allen Papers*, ms., 375, the date of reception is August.

<sup>2</sup> Williams, II, 204.

<sup>3</sup> Ira Allen in *Vt. Hist. Col.*, Vol. I, 415.

<sup>4</sup> B. H. Hall's ms. memoranda from the *Stevens Papers*, when they were in the possession of the State. Only a catalogue of the Stevens ms. volumes after 1777 remains, none of the eight volumes of Revolutionary Papers having been found since the destruction of the state-house by fire in January 1857.

unwillingness to comply with the governor's request under the circumstances, but wrote: "if you will send a proper person with full power to major Carleton, at Crown Point or St. Johns, to *confer upon this business*, I shall authorize the major to receive him."<sup>1</sup> October 26, 1780, having received gen. Haldimand's letter to gov. Chittenden, major Carleton wrote to gen. Ethan Allen that he [Haldimand] had authorized capt. Sherwood to treat with gov. Chittenden and himself, *on the subject of an exchange of prisoners*.<sup>1</sup> October 29, 1780, gen. Ethan Allen wrote to maj. Webster that he had "received a flag from maj. Carleton, commanding the British troops at Crown Point, with *proposals from gen. Haldimand for settling a cartel for the exchange of prisoners*."<sup>1</sup> These letters were all laid before the general assembly of Vermont, October 31, 1780, and were formally approved by both houses;<sup>2</sup> and January 15, 1781, gov. Chittenden wrote to Gen. Washington: "We are about settling *a cartel for the redemption of our men in Canada as before mentioned*."<sup>3</sup> With this letter, gov. Chittenden sent a copy of his letter to the governor of Rhode Island, dated December 12, 1780, in which one of the alternatives in the then prospective condition of Vermont was: "3rdly, *be under the disagreeable necessity of making the best terms with the British that may be in their power*. Nearly the same would be the condition of either of the United States separately considered from their union, as they would be unable to withstand the British power."

The immediate results were a *truce*, which covered not only Vermont but the frontiers of New York to Hudson river; the disbanding of the militia of Vermont; and the retiring of the British troops to winter quarters in Canada. Until the truce became generally known, the results of it occasioned much surprise in New York. It was further agreed, that the commissioners of both parties should meet *on the subject of the cartel*, and go together to Canada. This was attempted, but failed on

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<sup>1</sup> B. H. Hall's ms. memoranda.

<sup>2</sup> Sent to general Washington by Schuyler, November 12, 1780. *Washington's Letters*, in U. S. State Dept., Vol. XLIII, 129.

<sup>3</sup> Sparks's *Correspondence of the Revolution*, Vol. III, 209-211.



account of the difficulty of getting through the ice on Lake Champlain. After contending several days with the elements, the commissioners separated; but "while their men were breaking through the ice, *much political conversation and exhibits of papers took place.*"<sup>1</sup> Williams is more definite: "the British agents availed themselves of this opportunity to explain their views, to make their proposals, and offer as complete an establishment for Vermont, from the royal authority, as should be desired. The commissioners from Vermont treated the proposals with affability and good humor, and though they avoided bringing anything to a decision, the British concluded they were in a fair way to effect their purposes."<sup>2</sup> The subsequent negotiations at Isle aux Noix, between Ira Allen and the British commissioners, as to matters beyond settling a cartel, were *secret*, and even the commander of the post had no knowledge of them, although he was associated with the British commissioners on the question of an exchange of prisoners.<sup>3</sup>

These facts show that *the public* had no knowledge except of a truce for a humane and proper attempt to relieve citizens of Vermont, and its officers and soldiers, who were then prisoners in Canada; and the conclusion is that all the suspicion that then existed of the patriotism and fidelity of the great body of the people of the state, and all the obloquy since drawn from the negotiation with Haldimand and cast upon the state, were entirely unjust. If any body was really at fault, the number implicated was very small. Williams asserted that "eight persons only in Vermont, were in the secret of this correspondence;"<sup>4</sup> and Ira Allen that, in May, 1781, "only eight persons were in the secret, but more were added as the circumstances required."<sup>3</sup> Gov. Chittenden, March 4, 1793, furnished the following list of persons who were in the secret:<sup>4</sup>

Thomas Chittenden, Moses Robinson, Samuel Safford, Ethan Allen, Ira Allen, Timothy Brownson, John Fassett, Joseph Fay.

<sup>1</sup> Ira Allen, in *Vt. Hist. Col.*, Vol. I, 416.

<sup>2</sup> *Williams*, Vol. II, 206.

<sup>3</sup> *Vt. Hist. Col.*, Vol. I, 421.

<sup>4</sup> *Williams*, Vol. II, 214.

Ira Allen, Robinson, Brownson, Fassett and Fay were councilors in 1781; Safford and Ethan Allen were brigadier generals of the Vermont militia; and Ira Allen and Joseph Fay served as commissioners. Major Isaac Clark, who was not named in the list, was appointed a commissioner, April 26, 1781, but did not serve. "One person was better than more," said Ira Allen, and to the conference in May 1781 he went alone.

Williams paid a handsome and just tribute to the patriotism of these men; to the purity of their motives, however doubtful was the policy when they adopted it; to their sound judgment, as proven by the result; and bore strong testimony to the patriotism of the people of the state. "But so odious were the British proceedings and government, at that time, to the people of America, that it was with difficulty the people of Vermont could be kept quiet, under the idea of a correspondence carried on with the British, though known to be for their protection. Once or twice, there were small insurrections, to demand explanations; and nothing but the well known and strong attachment of the gentlemen concerned, to the independence of Vermont and America, could have preserved them from open violence and destruction."<sup>1</sup> This was the testimony of a good man concerning men personally known by him.

Ira Allen gave a vivid picture of the "forlorn situation of the state, torn by intestine divisions and the intrigues of her enemies in congress;" exposed utterly to the mercy of the British at the north; abandoned by congress, to be a prey "to the New York monopolists, who were then taking every measure that the malignancy and avarice of human nature could suggest, for the destruction of the people of Vermont." But "the genius of Vermont was fruitful in resources; even in the gulf of difficulties, and on the verge of ruin, she waxed strong, extended her wings, and made herself known among the nations of the earth." This was his preface to the history of the negotiations for *an armistice*, in May 1781.<sup>2</sup>

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<sup>1</sup> *Williams*, Vol. II, 214, 215.

<sup>2</sup> *Vt. Hist. Col.*, Vol. I, 419, 420.

A very careful synopsis and interpretation of the negotiation is given by Hiland Hall,<sup>1</sup> in the thirty-second chapter of the "*Early History of Vermont*," with some documents not contained in the Haldimand Papers. One of these documents distinctly places the defense of the gentlemen engaged, on the ground of "a necessary political manœuvre to save the frontiers of this state;" and the other justifies letters "purporting an intention of this state's becoming a British province," as a "political proceeding to prevent the British forces from invading this state, and being a necessary step to preserve this state from ruin."<sup>2</sup>

The reader is now to try the early statesmen of Vermont on more complete testimony, and with a calmer judgment, than could be possessed by any body at the time of the negotiation, or indeed by any body until a recent date.

The temptation was offered to Vermont, by the British cabinet, in the execution of a policy deliberately adopted, with two views: first, if possible, to reconcile *all* the colonies to Great Britain; and next, to detach state by state, so as ultimately to force unwilling states into submission by their weakness. It was a policy perfectly understood at the time by Congress, to whom the fact of the actual offer of the temptation to Vermont, by British agents, was communicated in March 1781 by Ethan Allen, with this significant notice: "I am fully grounded in opinion, *that Vermont has an indubitable right to agree on terms of a cessation of hostilities with Great Britain*, provided the United States persist in rejecting her application for union with them." Ira Allen's mission to Isle aux Noix was in May following. Still earlier, in January preceding, Washington had been not only informed that Vermont was negotiating for an exchange of prisoners, but warned that the exigencies of the state were such *that it might be forced to make terms with the British*. Looking at the whole transaction as a piece of diplomacy, designed on the one hand to protect Vermont, and indeed New England and New York specially, and the country generally, from an army in Canada which could not have been resisted, and on the other hand to induce Congress to admit the independence of Vermont—our judgment of its justice

<sup>1</sup> From the *Stevens Papers*. <sup>2</sup> *Early History of Vt.*, 363, 366.

to Great Britain and to Congress, and of its necessity for Vermont, should be determined by the facts of the case. The leading facts, preceding May 8-25, 1781, will now be summarily stated, and to *The Haldimand Papers* will be added contemporaneous documents and facts in the history of Vermont.

## THE CONCILIATORY POLICY OF GREAT BRITAIN

IN 1778-1779.

### *George the Third to Lord North.*

1778. "You must remember, that before the recess I  
Jan. 31. strongly advised you not to bind yourself to bring forward any plan for restoring tranquility to North America, *not from any absurd ideas of unconditional submission, which my mind never harboured*, but from foreseeing that whatever can be proposed will be liable not to bring America back to her attachment, but to dissatisfy this country, which so cheerfully and handsomely carries on the contest, and has a right to have the struggle continued till convinced that it is vain. Perhaps this is the minute, that you ought to be least in a hurry to produce a plan, from the probability of a declaration of war from France;" and again, "*I do not mean to reject all ideas, if a foreign war should not arise this session, of laying a proposition before Parliament.*"<sup>1</sup>

When it appeared from private information, that war  
Feb. 9. with France had become inevitable, the King expresses his anxiety, before "the veil was drawn off by the court of France,"<sup>2</sup> that Lord North should "*not delay in bringing in his proposition.*"<sup>1</sup>

*Lord North's Speech in the House of Commons on Tuesday, the 17th of February, on communicating a Plan of Reconciliation with the American Colonies. — [Extracts.]*

At the opening of the present session on the first  
Feb. 17. day, [November 18, 1777,] during the debate upon the address to his Majesty, I told the House, that in my opinion terms might be made with the colonies, short of uncondi-

<sup>1</sup> Sparks's *Life and Writings of Washington*, Vol. VI, 533.

<sup>2</sup> Two treaties between France and the United States, one of amity and commerce, the other of defensive alliance against England, had been signed in Paris, three days before — February 6, 1778.

tional submission, and that the time of making them was the moment of victory. I said this, thinking that the victory gained by Sir William Howe was more decisive than it really was, and ignorant, at the time, of the disaster which had fallen on General Burgoyne's army. When the news of that melancholy event arrived, I was struck, that the time of proposing terms was past, and that the first point to be done was the raising of new levies, and a new force. The consequences of that misfortune were unknown; the general idea was, that the victorious army would march to Philadelphia, and that, flushed with victory, a general engagement might have happened, which would have been decisive. I thought it necessary, therefore, to wait till the end of the campaign, till I had a knowledge of all the events of it; it is ended, and nothing decisive has happened. The forces of Washington are not sufficient to make him quit his defensive plan. Our army is great, our navy is great, our men in health, in spirits, and well supplied; but the resistance of America is greater, and the war has lasted longer than was at first apprehended, much longer than any friend to this country could wish, and I do not think that it will end in this campaign. I think our forces are sufficient *to compel America to accept of reasonable terms*; but I make my proposition on this ground, that it is better *to offer a concession to the colonies now*, which may end the contest within the year, than to continue the war for three or four years longer, though with the assurance of compleat conquest. In the present situation of affairs, only three propositions can be made:

I. To strengthen our force, and continue the war upon the present plan.

II. To recall it from America.—And

III. *To offer terms of conciliation to her.*

The first proposition is attended with too great an expence of men and money; an expence which conquest itself would not balance. The second is, to subscribe to the independency of America. *The third is that which appears to me best and wisest.*

\* \* \* I shall therefore propose 1st, An Act of Parliament to invest commissioners with very ample powers for this purpose. \* \* \* The commissioners should be enabled to treat on all grievances existing, or supposed to exist, in the laws of the colonies, or in the statutes of this realm; on all matters, provisions, or things, and on all aids and future contributions to be furnished by the colonies. \* \* \* The colonies have demanded to be put in the situation they were in in 1763. I doubt they will never be placed exactly in the same situation, but perhaps they may be placed in one not much less advantageous. The

statutes since that year are many. \* \* \* I would give the commissioners full power to take them all into their consideration, and to suspend such as should be repealed. There is another provision, which is, perhaps, a matter of convenience only; they should have a power of appointing governors in those colonies, where his Majesty was used to appoint them. I shall propose to limit the duration of this Act to June 1, 1779. If I was to stop here, the plan would be certainly defective: defective in not offering an inducement to the colonies to treat with us. They must give up their claim of independency; but to induce them to do this, they must be certain of something fixed and decided. If it is necessary to hold out an inducement to all the colonies collectively, it is equally necessary *to hold it to each colony in particular*. Though some may not renounce their independency, some may, and it will not be said, that if the commissioners cannot treat with all, they shall not treat with any. The colonies must have some other inducement than mere hopes. \* \* \* Her [America's] present situation, as compared with ours, is ten times more grievous. Her farmers are ruined; when all the necessaries of life sell at prices the most high, they are compelled to sell the produce of their land at a small price in comparison. I was assured that at Albany, tea, a necessary article there, sold at sixteen dollars per pound, and salt at thirty dollars per bushel. Thinking that men in this situation will be inclined to peace on just and reasonable terms, I move the House for leave to bring in the two following bills:

“A bill to enable his Majesty to appoint Commissioners to treat; consent, and agree on the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces of America.” Also

“A bill for declaring the intention of the parliament of Great Britain concerning the exercise of the right of imposing taxes on the colonies, plantations, and provinces of America.”

The question was then put and agreed to.<sup>1</sup>

March      The bills were brought in to the House of Commons,  
and      February 18; passed that House March 2, and the  
April.      House of Lords on the 9th, and received the royal assent on the 11th.<sup>2</sup> April 13, letters patent passed under the seal of Great Britain, constituting and appointing Frederick, Earl of Carlisle; Lord Viscount Howe, of Ireland; Sir William Howe,

<sup>1</sup> *Gentleman's Magazine*, Vol. XLVIII, 51-55.

<sup>2</sup> *Commons Journal*. A. D. 1776-1778, 712, 780, 807, 814.

General of his Majesty's forces in North America ; Wm. Eden, Esq., one of the Commissioners for Trade and Plantations ; and George Johnson, Esq., captain in the Royal Navy, to be his Majesty's Commissioners to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of his Majesty's Colonies, Plantations, and Provinces in North America. Eight days thereafter, April 21, the Commissioners sailed from St. Helen's for North America.<sup>1</sup>

On the 5th of June, the commissioners arrived in June. Delaware river ; and on the 9th addressed a letter to the president of congress, enclosing their commission from the crown. These were laid before congress on the 11th.

The commission empowered the commissioners, or any three of them, to treat, consult, and agree *with such body or bodies politic and corporate, or with such assembly or assemblies of men, or with such person or persons*, as they should think meet and sufficient for that purpose, of and concerning any grievances existing or supposed to exist *in the government of any of the colonies respectively* ; to order and proclaim a cessation of hostilities on the part of the king's forces, by sea and land, for such time, and under such conditions, as they in their discretion should think fit ; to suspend the act of parliament prohibiting trade and intercourse with certain colonies, and also to suspend for any time limited in the act authorizing the commission [June 1, 1779,] all acts of parliament passed subsequent to February 10, 1763 ; to grant pardons without limitation ; and to appoint governors of provinces with all such powers and authorities as governors theretofore appointed by his majesty might or could have exercised. The commission concluded with *transferring to gen. sir* HENRY CLINTON the same powers and authorities delegated to gen. sir Wm. Howe, in case the latter should by death or otherwise be disabled from exercising the same.<sup>2</sup> This contingency occurred,<sup>3</sup> and although by its own terms, the act of Parliament of March,

<sup>1</sup> *Gentleman's Magazine*, Vol. XLVIII, 188.

<sup>2</sup> *Gentleman's Magazine*, Vol. XLVIII, 364-366.

<sup>3</sup> *Life and Writings of Washington*, Vol. v, 397.

1778, was limited to June 1, 1779, it is certain either that sir Henry Clinton was continued in office as a peace commissioner till a much later period, or that he was specially directed to act with general Haldimand in the negotiations with Vermont. This will appear as the correspondence proceeds in this volume, and specially under date of February 7, 1781, in lord George Germaine's letter to sir Henry Clinton; and April 23, 1782, in a summary of dispatches to the Admiralty and American department, noted in the *London Courant*, in which it said general Haldimand transmitted important propositions touching Vermont "to sir Henry Clinton as one of the king's of Great Britain's commissioners for restoring peace."

June 17. Congress, through their President, Henry Laurens, replied to the commissioners, objecting that their propositions were "founded on an idea of dependence, which is utterly inadmissible," and declaring "that Congress is inclined to peace," and will be "contented to enter upon a consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting," [with France,] "when the king of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition will be an explicit acknowledgement of the independence of these States, or the withdrawing his fleets and armies."<sup>1</sup>

July. Without consenting to either of these conditions, the commissioners addressed a second letter, professing that congress may proceed to negotiate on their own terms, and demanding by what authority the congress assume the prerogative of making treaties, and claiming a right to be informed of the particulars contained in the treaties with France, intimating that the same ought also to be known to the people, that they might judge whether such an alliance ought to be a reason for continuing the war. July 18, congress voted that no answer should be returned to this letter.<sup>2</sup>

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<sup>1</sup> *Gentleman's Magazine*. Vol. XLVIII, 366-367.

<sup>2</sup> *Life and Writings of Washington*, Vol. VI, 17.



Oct. 3. The commissioners appealed from congress to the people in "A MANIFESTO," in which they offered "to the colonies at large, or *separately*, a general or *separate* peace, with the revival of their ancient governments, secured against any future infringements, and protected forever from taxation by Great Britain;" concluding with a threat, that if America chose to ally herself with France instead of the mother country, "the whole nature and future conduct of the war" would be changed. "Under such circumstances, the laws of self-preservation must direct the conduct of Great Britain; and if the British colonies are to become an accession to France, will direct her to render that accession of as little avail as possible to the enemy."<sup>1</sup>

These citations amply prove that, on the failure of making terms with congress, the policy of the British cabinet was to deal with the states separately, and to reclaim any one or more if it were possible.

1779.  
June 11. That the temptation offered to VERMONT was in the line of this policy, conclusively appears by an avowal made by lord GEORGE GERMAINE, the Secretary for American Affairs, June 11, 1779, — a few months later than the date of his lordship's first letter, on Vermont affairs, which is noted in the Haldimand papers. Charged in the House of Commons with inconsistency in the matter of the commissioners in 1778, his lordship "justified the measures he had taken, and proved the consistency of his letters. He owned his aversion to treat with the congress, *but his hearty desire to treat with the provinces separately*. He seemed to have no doubt of a successful end of the war. His speech was much applauded."<sup>2</sup>

<sup>1</sup> *Gentleman's Magazine*, Vol. XLVIII, 631-632.

<sup>2</sup> *Gentleman's Magazine*, Vol. XLIX, 628.

## VERMONT PRIOR TO 1781.

## CONTROVERSY WITH NEW YORK.

Previous to the year 1765, it was generally understood, in both England and America, that the province of New Hampshire extended westerly to a line twenty miles east of the Hudson river, and to lake Champlain, and thus included the present state of Vermont. It was so treated in the correspondence and documents of the English ministry and other government officials, and was so represented in all the English and American maps.<sup>1</sup> In accordance with this understanding, Benning Wentworth, governor of New Hampshire, from the year 1749 to 1764, granted in the king's name, to New England people, 130 townships of land of about six miles square each, situated to the westward of Connecticut river, and eastward of lake Champlain and such twenty mile line.<sup>2</sup> By the beginning of the year, 1765, the grantees of these townships had made settlements in many of them, and had spread themselves over a considerable extent of country. By a proclamation of Cadwallader Colden, lieutenant-governor of New York, bearing date April 10, 1765, the settlers were notified, that the western bank of Connecticut river, by order of the king and council of the 20th of July preceding, was to be the boundary between his two provinces of New York and New Hampshire.<sup>3</sup>

Lieutenant-governor Colden immediately commenced making grants in the newly acquired territory, and by the first of November following, his patents covered a large portion of the lands occupied by settlers on the west side of the Green Mountains, the patentees being New York city speculators.<sup>4</sup>

Finding they were likely to be turned out of their possessions by the New York patentees, and being unable to obtain any relief from the government of the province, the settlers sent an agent to England, to represent their case to the king, who, by an order

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<sup>1</sup> *Early History of Vt.*, chap. I to VI.

<sup>2</sup> For a list of these grants see *Vt. State Papers*, 13-16.

<sup>3</sup> *Early History*, 77-84, and 478.

<sup>4</sup> *Early History*, 77-80.

in council of July 24, 1767, forbid the governors of New York, "upon pain of his majesty's highest displeasure," from granting any more lands in the territory, "until his majesty's further pleasure should be known concerning the same."<sup>1</sup> This peremptory command of the king, which was often re-affirmed and never recalled, was disregarded by lieut. governor Colden and his successors, who, in its direct violation, afterwards made grants of more than two million acres of the prohibited lands, some of it to themselves in the names of others, and the residue to their city favorites and friends. The patent fees to the New York officials for the lands granted amounted to more than one hundred and ninety thousand dollars, of which the shares of the several governors exceeded the following sums, viz., of Mr. Colden thirty thousand, governor Moore four thousand five hundred, governor Dunmore fourteen thousand, and of governor Tryon seventeen thousand dollars.<sup>2</sup>

Numerous suits for ejecting the settlers from their farms were brought to trial before the supreme court at Albany in June 1770, when the judges declared the New Hampshire charters to be null and void, and refused to allow them to be read to the jury. Judgments were accordingly rendered for the plaintiffs in all the cases. The king was informed, by petition, of this proceeding, and the settlers in conventions resolved to resist the execution of the judgments by force, if necessary, and to prevent in like manner any of the New York claimants from surveying or taking possession of any lands that had been previously granted by New Hampshire, until the king's further pleasure should be known.<sup>3</sup> Not being otherwise able to execute the judgments in ejectment, the sheriff summoned the militia of Albany county as a *posse comitatus*, and marched them, over three hundred strong, to Bennington, to put the plaintiffs in possession of the farms of two of the defendants, but finding he was to be resisted by an armed force, that most of the militia sympathized with the settlers and that all were unwilling to act, he prudently withdrew without accomplishing his object.<sup>4</sup>

<sup>1</sup> *Vt. State Papers*, 20.

<sup>2</sup> *Vt. Hist. Col.*, Vol. I, 147-159. *Early Hist. Vt.*, 98-100.

<sup>3</sup> *Vt. Hist. Col.*, Vol. I, 344-346. *Early History Vt.*, 118-122, 481.

<sup>4</sup> *Doc. Hist. N. Y.*, Vol. IV, 732-743. *Early History Vt.*, 123-126.

From this time forward, the New Hampshire title was maintained by the settlers against the New York claimants, who, either by force or intimidation, were prevented from making any of their grants available. The people west of the Green Mountains were practically independent of the New York jurisdiction, governing themselves by committees and conventions, in the manner afterwards pursued by other communities at the commencement of the American revolution.<sup>1</sup> On the other side of the mountain there had been a partial submission to the New York authority. Colden's early grants had all been made west of the mountain, and in nearly all the townships which had been chartered by New Hampshire, before the proprietors could have any opportunity to ask for terms on which they might be permitted to retain their lands.<sup>2</sup> But on the east side of the mountain, where the lands had been less coveted by the New York speculators, the New Hampshire grantees were in many cases allowed to obtain grants in confirmation of their New Hampshire titles, though only on the payment of enormous and oppressive patent fees, their new title being also incumbered with treble the government quit-rent which had been exacted by New Hampshire. For these confirmatory charters there was no necessity, and no apparent motive on the part of the governors to make them, but their craving appetite for the patent fees. The grantees were driven to accept them with the additional incumbrance, and pay the fees, rather than be deprived of their lands by having them granted to others. Even on this side of the mountain a large portion of the charters remained unconfirmed, and the deep dissatisfaction of the people with the New York government was manifested by their uprising to stop the holding of the Cumberland county court, which resulted in the Westminster massacre of March 13, 1775; and also by the proceedings of their convention on the 11th of the succeeding April, when it was resolved to petition the king "to be taken out of so oppressive a jurisdiction, and either annexed to some other government, or erected and incorporated into a new one," thus indicating, that odious as the measures of the crown had become, those of New York were felt to be still more intolerable.<sup>3</sup>

<sup>1</sup> *Vt. Hist. Col.*, Vol. 1, 5, 345.

<sup>2</sup> *Early Hist. Vt.*, 78-80. *Vt. Hist. Col.*, Vol. 1, 151.

<sup>3</sup> *Vt. State Papers*, 55-60.

Sympathizing with their brethren of the New England colonies, from which they had emigrated, the inhabitants of the New Hampshire Grants united heartily with them in their armed resistance to the oppressive demands of the British ministry. During their controversy with the colonial government of New York they had entered into a military organization, which, under the name of *Green Mountain Boys*, had successfully defended their lands against the assaults of the New York claimants. Within three weeks after the breaking out of hostilities at Lexington, these men under their old leaders had wrested from the crown the important fortresses of Ticonderoga and Crown Point. They were also actively engaged in the two trying campaigns of 1775 and 1776, in Canada under Col. Warner, and on their return were formed by congress into a continental regiment under his command, and served with credit and distinction throughout the war.<sup>1</sup>

During the early period of the revolutionary struggle, the controversy with New York appeared to have subsided. The colonial government was practically extinct, and no efficient substitute had been provided. But when the authority of the revolutionary convention began to be acknowledged, it became apparent, that towards the people of the New Hampshire Grants, the new government would follow in the footsteps of the old; that the land-claiming interest was predominant in the convention, and also in the New York delegation in the continental congress. In both these bodies James Duane, one of the largest land-claimants, and long the most formidable antagonist of the settlers, was a leading member, and associated with him were the Livingstons and other aristocratic landholders and claimants, who had long been known as the advocates of the New York patents. It was evident that these men possessed a controlling influence in the affairs of the colony and state, and that no relaxation of former efforts to overthrow the New Hampshire titles was to be expected. The complaints of the New Hampshire settlers were officially declared to be "unjust and iniquitous pretences."<sup>2</sup> The convention, on the 2d of August 1776, unanimously resolved that all quit-rents

<sup>1</sup> *Journals of Cong.*, June 23, 1775, and July 5, 1776. *Early Hist. Vt.*, 209, 221.

<sup>2</sup> *Doc. Hist. N. Y.*, Vol. iv, 925.

which had been reserved to the king had become due to the convention and state.<sup>1</sup> This would be greatly unjust to the inhabitants of the New Hampshire Grants, who would thus be compelled to pay a most undue proportion of the revenue for the support of the government, the lordly proprietors in the old territory of New York holding their lands on the payment of merely nominal rents.<sup>2</sup> Mr. Colden in his letter to the Lords of Trade, of September 26, 1763, in urging the annexation of the territory of the New Hampshire Grants to New York, expressed the opinion that the revenue to be derived from its quit-rents would be greater than that from all the quit-rents of the residue of the province, which, considering the exemptions from the tax in the early extravagant grants of the crown, was probably not an unfair estimate.<sup>3</sup>

This quit-rent tax was rendered extremely oppressive, especially in a new and partially settled country, by the fact that each proprietor was not only liable for the rent of his own land, but for the rent of the whole grant, of which his land might be only a fractional part. Thus, the owner of one hundred acres in a township of six miles square was holden for the rent of the whole twenty-three thousand and forty acres, his farm, in effect, being under perpetual mortgage to the government for the whole rent, and subject to forfeiture for its non-payment.<sup>4</sup> This effort of the New York convention, to make perpetual this odious badge of feudal servitude, was felt to be intolerably, unjust and oppressive.

The constitution of New York, which was adopted April 20, 1777, recognized and affirmed the validity of the land grants made by the colonial governors in the name of the king, and thus annulled the prior grants of New Hampshire.<sup>5</sup> This not only bound the courts of the state to decide all suits in favor of the New York claimants, but established their titles beyond the control of every branch of the government, for even the legislature

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<sup>1</sup> *Jour. N. Y. Convention*, Vol. I, 554.

<sup>2</sup> *Vt. Hist. Col.*, Vol. I, 119, 120.

<sup>3</sup> *Col. Hist. N. Y.*, Vol. VII, 564.

<sup>4</sup> *Doc. Hist. N. Y.*, 937-939.

<sup>5</sup> *Jour. N. Y. Con.*, Vol. I, 897, § 36.

was powerless to overthrow or disturb grants which the constitution had declared to be valid. The New Hampshire grantees and settlers were left entirely at the mercy of their land-claiming enemies, from whom none could be expected. The question with them was whether they should surrender their homes and farms, which they had fairly purchased and made valuable by improvements, to a set of mercenary speculators, or continue their efforts to preserve their property by denying the authority of the government which sought to oppress them. They chose the latter alternative, believing, in the doctrine of the declaration of independence, that, under such circumstances, "it was their right, it was their duty, to throw off such government, and to provide new guards for their future security." This they did by declaring their independence of New York, and successfully maintaining it against all opposition.

If we consider the instances in which those, who have resisted established governments, have been justified by the tribunal of history, we shall rarely find a case stronger than that of the New Hampshire claimants. Our American revolution can scarcely be said to furnish so clear an example of rightful resistance to oppression. The American people revolted from the mother country because of the imposition of taxes, which, though small in amount, were founded on a principle that would allow the extortion of any further sum the parliament might at any time think proper to demand; thus destroying the security of the residue of their property, and leaving it to the mercy of the government. In the case of the inhabitants of the New Hampshire Grants the principle of government exaction was carried at once by New York to its utmost extent, by requiring, not only a fractional part of their property, but demanding as a right the immediate surrender of the whole. If revolution were justifiable in the former case, as is now universally admitted, it must be deemed at least equally so in the latter.

The people of the New Hampshire Grants were exposed to the threatened oppressions of both Great Britain and New York. Their danger from the latter was apparently the greatest; but they were happily able to make effectual resistance to both.

## APPEALS TO CONGRESS.

1776. May 8, 1776, the people of the New Hampshire Grants presented their first petition to the continental congress.<sup>1</sup> This document briefly stated the case, and the prayer of it was that the dispute with New York might be suffered to lie until the restoration of peace to the country would permit an equitable decision, and that in the meantime, so as not to prejudice the rights of the people of the Grants, they might be ordered to serve in the war for independence under *continental authority*, and as inhabitants of the Grants, and not under the authority or as inhabitants of the province of New York. May 30, the committee of congress reported a resolution adverse to the material part of this prayer, recommending the petitioners "*for the present to submit to the government of New York*," adding that this ought not to prejudice their rights or be construed to admit the jurisdiction of New York, and that ultimately the case should be referred to proper judges. This was unacceptable to the agent of the Grants, and on his suggestion of the want of certain important papers, congress on the 4th of June resolved that he have leave to withdraw.<sup>2</sup> The agent [Heman Allen] subsequently said the motion to withdraw was made in order that the delegates from New York should not have it in their power to bring the matter to a final decision, when the petitioners "had no proper delegates in the house."<sup>3</sup>

1777. The convention at Windsor, January 15-17, which declared the independence of Vermont, at the same time adopted a declaration and petition to congress, setting forth reasons for independence, which were stronger even than those in the declaration of congress, July 4, 1776, and praying that the declaration may be received, and the district described therein ranked among the free and independent American States, and delegates therefrom admitted to seats in the grand continental congress. This was presented to congress on the 8th of April.

<sup>1</sup> Adopted in convention at Dorset, January 17, 1776.

<sup>2</sup> *Vermont State Papers*, 61-65. *Early History*, 228.

<sup>3</sup> *Vt. Hist. Coll.*, Vol. I, 20.



On the previous day two letters had been presented from the president of the convention of New York, in one of which he charged that Vermont had "been prevailed on to revolt;" intimated that influential men in other states, some of them members of congress, had fostered these divisions to dismember New York; and demanded the recall of the commission conferred by Congress on Seth Warner, "especially as this col. Warner hath been constantly and invariably opposed to the legislature of this state, and hath been outlawed by the late government thereof." The second letter declared that the New York Convention was framing a firm and permanent system of government,<sup>1</sup> and that the defection in Vermont was "by no means general. The county of Gloucester,<sup>2</sup> and a very great part of Cumberland<sup>3</sup> and Charlotte,<sup>4</sup> continue steadfast in their allegiance to this government." This letter asserted that there was not the least prospect that Warner could raise a number of men which could be an object of public concern. Later, the president of the council of safety of New York repeated the report and belief that members of congress were countenancing Vermont—"a faction in the north-eastern part of the state" which "have declared themselves independent. Although we apprehend no great difficulties in reducing these factious spirits to obedience and good order, by the justice and vigor of the government of this state, without the aid of congress," he asked congress by resolution to disavow any favor to Vermont, lest the respect for congress and the ardor of the best whigs of New York be diminished. June 23, a delegate from New York laid before congress two letters of Thomas Young to Vermont, one of which stated the purport of the resolution of congress, May 15, 1776, recommending to assemblies and conventions in each of the United Colonies, where

<sup>1</sup>The constitution of New York, adopted May 8, annulled the New Hampshire Grants of land in Vermont, by affirming the validity of all the grants made by New York.—*Early Hist. Vt.*, 246-250.

<sup>2</sup>The present Orange county nearly, and all east of the mountains and north to Canada line.

<sup>3</sup>The present Windham and Windsor counties nearly.

<sup>4</sup>All the territory west of the mountains and extending west of Lake Champlain, and from Canada line to the Battenkill.—*Vermont State Papers*, 70-73.

there are no governments sufficient to the exigencies of affairs, “to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.”<sup>1</sup> June 30, congress *dismissed the petition of Vermont*, declaring that the duty of congress was to protect, and not injure, *the rights and jurisdiction* of the several states represented in it; that the attempt to make Vermont independent could derive no authority from the declaration of July 4, 1776, nor from any other act or resolution of congress; that by raising and officering Warner’s regiment congress never meant to countenance Vermont’s claim to independence; and that Young’s letters were derogatory to congress, a gross misrepresentation of the resolution of May 15, 1776, and tended to deceive and mislead the people to whom they were addressed.<sup>2</sup>

Two days after this adverse action of congress, a convention met at Windsor, and on the 8th adopted the constitution and frame of government, under which Vermont successfully maintained her independence *de facto* against Great Britain and New York, and also against congress, until her admission to the union in 1791.

1778. The constitution of Vermont was not generally promulgated in the state until February. Previous to that, January 28, the adherents to New York in Cumberland county met at Brattleboro’ and prepared a petition to the legislature of New York, asking to be defended against Vermont. In response, the governor of New York declared by proclamation, February 23, that “the several branches of the legislature of the state of New York will concur in the necessary measures for protecting the loyal inhabitants of this state, residing in the counties of Albany, Charlotte, Cumberland, and Gloucester” [which covered Vermont,] “in their persons and estates, and for compelling all persons, residing within this state, and refusing obedience to the

<sup>1</sup> A resolution originated by John Adams, for the purpose of totally suppressing governments under the crown — practically the first declaration of independence. — Bancroft’s *Hist. U. S.*, Vol. VIII, 367. For the letters of Young, April 11 and 12, 1777, see *State Papers*, 76.

<sup>2</sup> *Id. State Papers*, 68-79. *Early Hist.*, 238-244, 250-253.

government and legislature thereof, to yield that obedience and allegiance which, by law and of right, they owe to this state." The adherents to New York, in Cumberland county, formally protested against the authority of Vermont, and zealously resisted acts of its government. These facts were communicated to the governor of New York, who, by letter of June 3, approved the course of the resisters to Vermont and expressed the hope that the legislature of New York would adopt measures to compel obedience to the laws of that state. "In the mean time," said he, "let me recommend it to you, and every person attached to this state, to persist in your opposition, and upon every occasion to bear your testimony against those unwarrantable proceedings" of Vermont. Against this opposition Vermont enforced its laws, drafted men for military service, and confiscated the estates of enemies. Of this gov. Clinton was informed, and he replied, saying that he had complained to congress and insisted upon an immediate and positive disavowal of the authority of Vermont to raise troops. To the adherents of New York he wrote: "I would still, as upon a former occasion, earnestly recommend a firm and prudent resistance to the drafting of men, raising taxes, and the exercise of every other act of government, under the ideal Vermont state, and in such towns where our friends are sufficiently powerful, I would advise the entering into associations for the mutual defense of their persons and property against this usurpation." By a letter dated June 8, these matters were urged upon congress by gov. Clinton.<sup>1</sup>

In the mean time sixteen towns in New Hampshire, bordering on and near Connecticut river, urgently pressed Vermont to admit them under the jurisdiction of the state, and, June 11, it was voted to admit them. This was received by pres. Weare of New Hampshire with great dissatisfaction, and, August 19, he appealed to congress, declaring that, unless congress interfered, it was very probable the sword would decide the question. August 22, president Weare urged gov. Chittenden, for the sake of the people of Vermont and the sixteen New Hampshire towns, and for the sake of their future peace and tranquility, to relinquish every

<sup>1</sup> *Eastern Vt.*, 308-324.

connection, as a political body, with these towns. Gov. Chittenden convened his council, and Ethan Allen was requested to ascertain in what light congress regarded these proceedings. Allen reported, October 10, that congress had entertained the complaints of New Hampshire and New York; that in his opinion the New York complaints would never prevent the recognition of Vermont; but the disapprobation of the interference with New Hampshire was so strong as to justify the opinion that, "except this state recede from such union, immediately, the whole power of the confederacy of the United States of America will join to annihilate the state of Vermont." The action of the legislature at that time was contradictory, but on the whole unfavorable to maintaining the union with the New Hampshire towns, and resulted in referring the question to the people. This was unsatisfactory to towns interested on both sides of Connecticut river, who met in convention at Cornish, December 9, and made four propositions, the last of which was to annihilate Vermont, by bringing the whole of it under the government of New Hampshire.<sup>1</sup>

1779. Justly alarmed at the prospect, Vermont promptly dissolved her union with the New Hampshire towns, February 12, and by Ira Allen notified New Hampshire of the fact. March 20, he found the representatives of that state considering the propositions of the Cornish convention. June 24 the house adopted, in which the council concurred, an act to claim jurisdiction to the whole of Vermont, but consenting that it might be made a separate state, and suspending jurisdiction until congress should settle the dispute; and accordingly this claim to Vermont was presented to Congress by New Hampshire.<sup>2</sup>

At the February session of the Vermont assembly, numerous acts were passed, and among them statutes against treason, and riots, and for the organization of the militia. February 23 gov. Chittenden issued a proclamation strictly enjoining all persons residing within the state to take notice of these statutes on pain of the penalties provided, and requiring all civil officers to be vigi-

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<sup>1</sup> *State Papers*, 89-102.

<sup>2</sup> *State Papers*, 105.

lant in executing them.<sup>1</sup> The acts specified above were unpalatable to the adherents to New York, who refused compliance. Gov. Chittenden deputed Ethan Allen with a *posse comitatus* to enforce the laws, and he arrested thirty-six persons, among them several militia officers who had been commissioned by the governor of New York;<sup>2</sup> and then, through the Vermont court, the laws were executed. Complaints were made to gov. Clinton, who wrote, May 14, to Samuel Minott, of Brattleboro', that in case of force by Vermont, he would instantly issue "orders to the militia, who are properly equipped, and who will be led against the enemies of the state wherever they may happen to be." May 18 he wrote to the president of congress that he daily expected to be obliged to use force; May 22, New York brought resolutions into congress declaring the extent and boundaries of the several states then to be the same as during their colonial existence, and that "no part of any one of them should be permitted to separate therefrom, and become independent thereof, without the express consent and approbation of said state."<sup>3</sup> On the 29th gov. Clinton wrote again, that he would conceive it his duty "to order a force of a thousand men who had been destined for the defence of the frontiers, to march to Brattleborough for the protection of that and the adjacent towns, unless the interposition of congress should render such a measure unnecessary."<sup>4</sup> Gov. Chittenden also addressed congress subsequently, and, in answer to the threat of force by Clinton, wrote: "I have issued like orders to the militia of this state, and notwithstanding I am far from countenancing a measure so disagreeable in its nature, yet the free born citizens of this state can never so far degrade the dignity of human nature, or relinquish any part of that glorious spirit of patriotism, which has hitherto distinguished them in every conflict with the unrelenting and long continued tyranny of designing men, as

<sup>1</sup> *State Papers*, 293, 300, 305, 389.

<sup>2</sup> Col. Eleazer Patterson then commanded a force of adherents to New York in that part of Vermont, estimated by himself at five hundred men; and Patterson and his followers were the persons arrested by Allen. The Vermont force at that time in Cumberland county varied from two hundred to three hundred and fifty men.—*Eastern Vt.*, 336, 339.

<sup>3</sup> *Early History*, 289. <sup>4</sup> *Eastern Vt.*, 332-349.

tamely to submit to his mandates, or even to be intimidated by a challenge from him.”<sup>1</sup>

The prospect of war between New York and Vermont induced congress to interpose, June 1 and 2, by the appointment of a committee to confer with the inhabitants of Vermont, promote an amicable settlement of difficulties, and prevent divisions and animosities, so prejudicial to the United States. This action was accompanied by an apology to New York, and a promise to “continue to pay equal attention to the rights of that state with those of other states in the union.”<sup>2</sup>

June 7, governor Clinton remonstrated to the president of congress against the appointment of the committee; and on the same day wrote to general Washington, complaining that congress had not prevented the necessity of a resort to force with Vermont; announcing his intention of quitting the field, [as a general in the continental army,] in order to convene the legislature to arrange for vindicating the authority of New York in Vermont; asking Washington to return six brass pounders loaned by New York, and suggesting that a magazine of flour, purchased by New York for continental service, would have to be diverted for the support of troops against Vermont.<sup>3</sup>

In response to Clinton’s letter of the 7th, congress on the 16th unanimously resolved that the New York militia officers arrested by Vermont “ought to be immediately liberated;” and also resolved that the action of congress of June 1–2 was not to be construed “unfavorable to the internal policy of any or either of the United States.” This therefore *excluded Vermont*, which was not then counted as one of the United States, and was intended to soothe New York and New Hampshire, whose applications were alleged in the preamble.<sup>4</sup> On this occasion John Jay, who had been sent by New York, as a special delegate to attend to the Vermont business, and had been elected president of congress, wrote to Clinton that “the majority of the house have proper ideas on the subject, and we flatter ourselves that it will terminate right.”<sup>5</sup>

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<sup>1</sup> *Early History*, 295.    <sup>2</sup> *Vt. State Papers*, 109.

<sup>3</sup> *Eastern Vt.*, 351, 352.    <sup>4</sup> *State Papers*, 109.    <sup>5</sup> *Eastern Vt.*, 355.

July 13, a part of the committee of congress reported their visit to Vermont, but nothing pointing to definite action. July 23 a committee of ten towns in Cumberland county [Windham and Windsor,] petitioned Congress to adopt such measures as should restore rights to those who had been deprived of them by violence, and ensure peace to a distracted people; averring that a majority in several and a respectable minority of other towns in the county were adherents to New York and opposed to Vermont.<sup>1</sup>

August 5, governor Chittenden protested against the resolution of congress of June 16, charging that Vermont had been impeached before the facts were known; affirming that the resistance to Vermont by the adherents to New York in Cumberland county was a high-handed breach of the peace, to prevent a levy of militia for the defense of the frontier; pledging Vermont to bear and pay her full share in the war against Great Britain; and declaring that if New York shall resort to force, Vermont will accept the challenge.<sup>2</sup>

September 24, Congress unanimously adopted a series of resolutions, one of them amended October 2, which were designed to quiet the then present disturbances and to prepare for a speedy settlement of the dispute. The preamble recited the claims of New Hampshire, Massachusetts, and New York to jurisdiction in Vermont, and the adverse claim of Vermont, and was followed by five resolutions, all adopted unanimously:

1. Recommending to New Hampshire, Massachusetts, and New York to authorize Congress to hear and determine the controversy.

2. Pledging congress to execute and support its decision, in favor of whichever of the parties the same may be.

3. Fixing February 1, 1780, as the time for trial.

4. Declaring it the duty of Vermont to abstain from asserting jurisdiction against persons who profess to be citizens of states claiming adverse to Vermont; and that those states should suspend the execution of their laws as to persons in Vermont who deny their jurisdiction.

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<sup>1</sup> *Eastern Vt.*, 359. <sup>2</sup> *Early History*, 295.

5. That no unappropriated lands, or forfeited or confiscated estates, ought to be granted or sold by Vermont.<sup>1</sup>

In reporting these resolutions to gov. Clinton, Mr. Jay wrote, September 25 :

“ You may ask why Vermont is made a party ? the reason is this, that by being allowed a hearing, the candor and moderation of congress may be rescued from aspersions, and that the people, after having been fully heard, may have nothing to say or complain of, in case the decision of congress be against them, *of which I have no doubt.*”<sup>2</sup>

October 7, Mr. Jay again wrote to Clinton, saying that “ one of the New Hampshire delegates seems much inclined to the ridge of mountains instead of Connecticut river as the boundary between us.” That would have annihilated Vermont, and Mr. Jay confessed that the line thus proposed did not seem to be impolitic.<sup>3</sup>

The resolutions of congress were communicated by its president to Vermont, by express, and, October 21, the governor and council and assembly of Vermont *unanimously rejected the propositions of Congress* ; resolved that Vermont would support her “ *right to independence, at congress and to the world, in the character of a free and independent state ;*” and that it would “ *make grants of all, or any part of the unappropriated lands within their jurisdiction*” that would not interfere with any former grants.

October 25, five agents were chosen to appear at congress to vindicate the right of Vermont to independence, and with power to agree upon articles of union and confederation, and manage all affairs of Vermont as a free and independent state, at congress.<sup>4</sup>

October 23, governor Chittenden appealed to the president of the council of Massachusetts in behalf of Vermont, and the reply was that the claim of Massachusetts included southern Vermont, central and western New York, and a corresponding line of territory across the continent to the Pacific ocean.<sup>5</sup>

December 10, the governor and council of Vermont published “ an appeal to the candid world,” which denied the right of con-

<sup>1</sup> *Vt. State Papers*, 110-113. *Early History*. 296-299.

<sup>2</sup> *Life of Jay*, Vol. I, 92.      <sup>3</sup> *Clinton Papers*, and *Early History*, 307.

<sup>4</sup> *Vt. State Papers*, 113, 114.      <sup>5</sup> *Early History*, 301.



gress to intermeddle with the internal government of Vermont ; and declared that the state existed independent of any of the thirteen United States, and was not accountable to them ; that Vermont, whenever admitted into union with other states, would bear its share of the burden and expense of the war with Great Britain, but would not give up the right of making their own laws and choosing their own form of government, to the arbitrament and determination of any man, or any body of men, under heaven.<sup>1</sup>

1780. There was no action by congress on Vermont affairs, except by way of postponement, until June. The delegates of New York in Congress, however, were not idle, nor were the New York adherents in Vermont. Cumberland county continued to be disturbed by conflicting jurisdictions, in both civil and military affairs, though the Vermont government made two attempts, through committees, to effect a settlement. While the New York adherents were somewhat discouraged by the lack of aid from both New York and congress, they were not ready to yield to Vermont, and appointed an agent to attend at Philadelphia at their own expense.<sup>2</sup> February 9 the New York delegates in congress recommended to gov. Clinton *an accommodation of the dispute with New Hampshire*. This letter is not to be found, but there is a record that such a letter was laid before the New York assembly February 21 ; and a report thereon, March 8, by Micah Townshend of Brattleboro', one of the two delegates in that body from Cumberland county, indicates its purpose to have been a separate settlement with New Hampshire by dividing Vermont between the two states. The report was adverse for that time, but admitted that at a future day the measure might become both expedient and necessary.<sup>3</sup>

The facts that grants of land and sales of confiscated property had been made by Vermont, in defiance of the resolution of congress of the previous September, were communicated by gov. Clinton, and June 2 congress resolved that the action of Vermont was highly unwarrantable, and subversive of the peace and welfare of the United States ; strictly required Vermont to abstain

<sup>1</sup> *State Papers*, 116. <sup>2</sup> *Eastern Vermont*, 367-381. <sup>3</sup> *Early History*, 308.

from all acts of authority, civil or military, over such of her citizens as profess allegiance to any of the states claiming jurisdiction over Vermont; and engaged to settle the disputes between New Hampshire, Massachusetts, and New York, as to Vermont, or between such of them as shall have assented to the resolutions of September 24 and October 2, 1779, [thus excluding Massachusetts and Vermont as parties in the case,] as soon as nine states, exclusive of the claiming states, should be represented in congress. June 9 the hearing was postponed to the second Tuesday in September, and notice to the states and persons in interest ordered. July 25, by advice of the council, gov. Chittenden addressed to the president of Congress a pithy remonstrance and argument: denying the authority of congress to destroy Vermont as an independent government, either by dividing it between New Hampshire and New York, as Poland was divided between adjoining kingdoms, or in any other way; declaring that the liberty and rights of the people of Vermont would not be surrendered; defending the severity to tories, and the confiscation of their estates to raise funds, which had been faithfully appropriated for the defense of the northern frontiers; showing that Massachusetts and New Hampshire were both barred from any part in the proposed trial, leaving New York alone as the claimant against Vermont; offering once more the union of Vermont with the United States; and closing by saying that, should this offer be denied, Vermont “will propose the same to the legislatures of the United States *separately*, and take such other measures as self-preservation shall justify.” In this summary, a few paragraphs, specially touching the Haldimand negotiation, have been reserved to be quoted in full—to wit:

“By guarding the frontiers, has this state secured the friendship of part of the private gentlemen and yeomanry, even of those states whose representatives, it seems, are seeking its destruction, but, having the general approbation of disinterested states, this people are, undoubtedly, in a condition to maintain government; but should they be deceived in such connexions, yet, as they are not included in the thirteen United States, but conceive themselves to be a separate body, they would still have in their power other advantages; *for they are, if necessitated to it, at liberty to offer, or accept, terms of cessation of hostilities with Great Britain*, without the approbation of any other man

or body of men: for, on proviso that neither congress, nor the legislatures of those states which they represent, will support Vermont in her independence, but devote her to the usurped government of any other power, she has not the most distant motive to continue hostilities with Great Britain, and maintain an important frontier for the benefit of the United States, and for no other reward than the ungrateful one of being enslaved by them. True, Vermont have taken an active part in the war subsisting between the United States and Great Britain, under an expectation of securing her liberties; considering the claim of Great Britain to make laws to bind the colonists in all cases whatsoever, without their consent, to be an abridgement of the natural rights of mankind: and it appears that the said resolves [of congress] of the 2d and 9th of June, are equally arbitrary, and that they furnish equal motives to the citizens of Vermont to resist the one as the other; for, if the United States have departed from the virtuous principles upon which they first commenced the war with Great Britain, and have assumed to themselves the power of usurping the rights of Vermont, it is time, high time, for her seriously to consider what she is fighting for, and to what purpose she has been, more than five years last past, spilling the blood of her bravest sons."

This letter was read in congress September 12, and on the same day the case was deferred to the 19th. On that day the following persons were notified to attend at the evening session: Ira Allen and Stephen R. Bradley, [agents for the state of Vermont;] Luke Knowlton, [agent for the New York adherents in Vermont;] and Peter Olcott, [appointed agent, with Bezaleel Woodward, for the towns in Vermont and New Hampshire favorable to annexing the whole of Vermont to New Hampshire, or of dividing the state between New Hampshire and New York.] On that day, and on the 20th, these agents all being present, the claim of New York was presented; and on the 27th, the agents of Vermont not being present, the claim of New Hampshire was presented. The agents of Vermont withdrew as soon as the testimony and arguments for New York had been heard, and they were highly indignant on discovering that congress was adjudicating the very existence of Vermont, without waiting for her consent or condescending to consider her as a party.<sup>1</sup>

<sup>1</sup> *State Papers*, 116-124.

The secretary of congress called on the Vermont agents, when their absence had been observed, and requested them to attend, and they refused. He then requested to know what report he should make, and they replied, that *while congress sat as a court of judicatory authorized by the claiming states ex parte, and Vermont was not put on an equal footing, they should not again darken the doors of congress.* On the 22d, the agents for Vermont presented a remonstrance, in the spirit of the above reply, and on the 27th congress postponed further consideration of the matter.<sup>1</sup> It was not resumed until after the Haldimand negotiation had been in full progress, and then it was brought to bear powerfully upon congress.

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#### VERMONT'S APPEAL FROM CONGRESS TO THE NEIGHBORING STATES.

Pursuant to notice to congress given by gov. Chittenden, September 25, Vermont appealed from congress to the neighboring states of New York, New Hampshire, Massachusetts, Connecticut, and Rhode Island, *proposing an Alliance and Confederation for mutual defence, independent of congress and of the other states.*

Nov. 22. Gov. Chittenden made "a positive demand" on New York "to give up and fully relinquish their claims of jurisdiction" over Vermont, and proposing to join in a solid union with her "for mutual defense against the British forces which invaded the American states, particularly such part [Haldimand's] as make incursions on the frontiers of the states from the province of Quebec."

Dec. 12. Gov. Chittenden to gov. Trumbull of Connecticut: "I proceed to propose *an Alliance and permanent Confederation between the states of Connecticut and Vermont against the hostile attempt of British power*, on such conditions as may be agreed upon for the mutual advantage and security of the Liberty and Independence of the two states respectively. Similar proposals are made to the legislatures of Rhode Island and Providence Plantations by this government, and also a demand on the legislatures of the states of New York, New Hampshire, and

<sup>1</sup> *Hist. Collect.*, Vol. I, 409-412. *Early History*, 312-318.

Massachusetts Bay, to relinquish their claims of jurisdiction to Vermont, with *proposals to unite with them in a like union.*"<sup>1</sup>

1781.  
Feb. 5. Gov. Clinton communicated gov. Chittenden's letter to the assembly of New York, characterizing it as insolent in its nature and derogatory to the honor of the state and its interests, and tending to subvert the authority of congress.

Feb. 21. Impelled by the perils of the state and of the country and the desires of many citizens of the part of New York which adjoins Vermont, the Senate of New York adopted a series of resolutions for an adjustment of the controversy by *recognizing the independence of Vermont*. To these resolutions there was but one dissenting vote.

Feb. 27. In the New York assembly debate arose as to whether the house would then proceed to consider the [above-mentioned] resolutions of the Senate, and it was carried in the affirmative. Upon the declaration of this vote, the secretary of the governor announced a message from the governor, that if the assembly should favor these resolutions, he would *prorogue them*; and this threat prevented their adoption.<sup>2</sup>

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#### THE CONDITION OF VERMONT AND THE COUNTRY.

From the invasion of Burgoyne in July 1777 till the Haldimand negotiation in 1781, the northern limit of habitation in Vermont west of the Green Mountains was Pittsford; and on the east side, Newbury and its vicinity, with settlers scattered on the bank of Connecticut river into the present county of Essex—about one-third of the area of the state. At the opening of the October session of the general assembly in 1780, only forty-four towns were represented, being less than one-fifth of the present number; and of the forty-four then represented, were six of the the ten towns in Cumberland county whose "committees," July 23, 1779, had petitioned congress against Vermont.<sup>3</sup> All the rest of the state was as open to the British and their Indian allies

<sup>1</sup> These letters to New York, Massachusetts, and Connecticut, will appear in full in *The Haldimand Papers*.

<sup>2</sup> *Early History*, 329-333.    <sup>3</sup> *Eastern Vermont*, 359.

as to Vermonters, and through that territory the incursions of the enemy were made:—in November 1778, plundering, burning, and destroying property of every description as far south as Ticonderoga;<sup>1</sup> in 1780 to Bethel, Barnard, and Royalton, alarming the inhabitants of Vermont and New Hampshire in the valley of the Connecticut river; and to Peacham in 1781.<sup>2</sup> April 1778, Warner's regiment and all the regular troops were withdrawn from the state, and from that time Vermont was left to her own resources for protection.<sup>3</sup>

1779. The condition of Vermont in the spring of 1779 is best set forth by official documents.

*Governor Chittenden to General Washington.*<sup>4</sup>

BENNINGTON, 6 March, 1779.

*Sir*:—I am directed, by my council and the general assembly of this state, to recommend to your excellency the present unhappy situation of the inhabitants of the northern frontiers of this state, and to pray your excellency's interposition for their future relief.

The contiguous situation of those inhabitants to the enemy has rendered their safety peculiarly uncertain from the first commencement of the present war. The many alarms, occasioned by the approaches of the enemy, have kept its inhabitants in such a fluctuating condition as has rendered it impracticable for them to have secured any considerable supplies of provisions for the subsistence of their families beforehand. The encroachments of the army, under the command of lieutenant-general Burgoyne, into this state, in the year 1777, their daring attempt to destroy this town and the public stores then deposited here, commanded the attention as well as the most vigorous exertions of those inhabitants; and although there were at that time very plentiful crops of grain, corn, hay, &c., on the ground, yet the enemy prevented the inhabitants from securing any considerable part of it.

By their continuing in service, for the purpose of reducing general Burgoyne to a submission, the season of the year was so far advanced as to put it out of the power of those inhabitants to make the necessary preparations for a winter crop of grain, on which they have had the greatest dependence since the first set-

<sup>1</sup> *Early History*, 272.    <sup>2</sup> *Eastern Vermont*, 382–399, 404–406.

<sup>3</sup> *Early History*, 272.

<sup>4</sup> *Correspondence of the Revolution, Letters to Washington*. Vol. II, 258; and *Journals of Council*, 1776 to 1780, 259.

tlement of this part of the country. They are, therefore, the principal part of them, reduced to an Indian cake, in scant proportion to the number of their families; and by the destruction of their sheep by the enemy, and their loss of them otherwise, as well as their flax, their bellies and backs have become co-sufferers.

In this deplorable situation, may it please your excellency, they remain firm and unshaken, and being generally well armed and accoutred, are ready, on any sudden emergency, and on the short-est notice, to face and encounter their inveterate foe undaunted; but, on viewing their present circumstances, it may be your excellency may be prevailed on to make such provision for the security of those frontiers (which are no less so to three other states,) as to prevent the fatal necessity of continuing those inhabitants in constant service the ensuing summer.

With this will be communicated a copy of brigadier-general [James] Clinton's letter of the 25th ultimo, by which your excellency will perceive his readiness to grant every relief in his power.<sup>1</sup> In consequence of his advice, I have ordered the continuance of the company of militia therein named, and an addition of fifty men, exclusive of officers, to join them immediately.

If, after all that has been exhibited on this subject, it should be found inconsistent to adopt any other measures in the case, I desire an order may be granted for the subsistence and pay of the officers and soldiers that may be found necessary to be raised from time to time, within this state, for the purpose aforesaid.

The bearer hereof, Joseph Fay, Esq., in whose attachment to the common cause your excellency may repose the greatest confidence, will be able to give any further intelligence in the premises, and particularly wait any advice or directions your excellency may please to communicate.

Your excellency's most obedient, humble servant,

THOMAS CHITTENDEN.

February 26, the governor and council "voted colonel Ethan Allen to wait [write] general Washington to acquaint him with the situation of affairs relative to the defence of the northern frontiers of this state."<sup>2</sup> Accordingly Allen wrote as follows:

<sup>1</sup> Gen. Clinton's letter authorized gov. Chittenden to raise men, from which the governor inferred that the men so raised would be supported out of the continental store—the "relief" which gov. Chittenden asked of Washington.—*Gov. Chittenden to Enoch Woodbridge, C. G.*, [Commissary General,] *Journals Council*, 1776 to 1780, 259.

<sup>2</sup> *Journals of Council*, 1776 to 1780, 255.

*Ethan Allen to General Washington.*<sup>1</sup>

MARCH, 1779.

*Sir:*—The fifth campaign drawing near towards opening, and Lake Champlain (from the last intelligence) being broke up, and the enemy's ships of force and scouting parties every day expected down the Lake, which may annoy and massacre the frontier inhabitants, has given rise to great uneasiness, as the frontier is but weakly guarded and widely extended, which has induced the Governor of this infant State, with the advice of his Council and House of Assembly, to lay before your Excellency the true circumstances of the Inhabitants.

From the facts your Excellency will be able, with equal justice, to adjust matters in this part of the Northern department, and grant such relief as shall be adequate to their necessitous condition.

Undoubtedly your Excellency will readily conceive that this part of the Country have done more than their adequate proportion in the war, and though they are greatly reduced as to materials to maintain standing forces, yet on sudden emergencies the Militia is able and willing to face any equal number of the enemy, provided they should have no other reward but the satisfaction of defeating them.

ETHAN ALLEN.

*General Washington.*

No answer to these letters has been found, though one was given (possibly verbal) to Mr. Fay; and most probably, if so, to the effect that a scheme was in contemplation to occupy the British troops by an invasion of Canada through the Coos country, lake Champlain, or Ontario. The letter preceding Chittenden's in Sparks's collection was from gen. Gates on that scheme. Be this as it may, that scheme was abandoned; Washington could not and did not give even the small relief asked, and it will be seen that Vermont supplied both provisions and "continental pay" to men in the service.

February 25, 1779, the assembly of Vermont constituted the governor and council a board of war, with full power to raise any number of men that they should think necessary for the defense of the frontiers. March 12 the board resolved that "the west line of Castleton and the west and north lines of Pittsford to the

<sup>1</sup> *Ethan Allen Papers*, ms., 281.



foot of the green mountain, be established as a line between the inhabitants of the state and the enemy," and the inhabitants north of that line were directed to move south. Picket forts were erected at Pittsford and Castleton, and garrisons maintained in them and at Rutland; these garrisons being supplied by drafts from the militia, and sometimes bodies of the militia were called out *en masse*.<sup>1</sup>

Congress was powerless to support the continental army; Washington could give no aid to defend the northern frontiers of Vermont and New York, and hardly keep his army in the field any where.

1780. January 8, Washington wrote to the magistrates of

New Jersey: "The present situation of the army, with respect to provisions, is the most distressing of any we have experienced since the beginning of the war. For a fortnight past the troops, both officers and men, have been almost perishing for want."<sup>2</sup>

April 29. To major-general Howe: "It is lamentable that we should be obliged to suffer such distresses as we do everywhere. Those we feel here [Morristown] are not inferior to yours; we are constantly on the point of starving for want of provisions and forage. A deficiency of money is the cause, and a cause for which the present situation of affairs renders it infinitely difficult to provide a remedy. We are at a most delicate crisis. I dread with you the consequences."<sup>3</sup>

May 27. To the president of congress: "It is with infinite pain I inform congress, that we are reduced again to a situation of extremity for want of meat. \* \* Such reiterated, constant instances of want are too much for the soldiery, and cannot but lead to alarming consequences. Accordingly, two regiments of the continental line mutinied. They are in as great distress at West Point; and, by a letter from colonel Van Schaick at Albany, he informs me, that the garrison at fort Schuyler had then only a month's supply on hand."<sup>4</sup>

May 28. To the president of Pennsylvania: "Nothing could be more necessary than the aid given by your state towards supplying us with provisions. I assure you, every idea you can form of our distress will fall short of the reality. \* \* Indeed, I have almost ceased to hope. The country

<sup>1</sup> *Early History*, 284, 285. <sup>2</sup> *Life and Writings*, Vol. VI, 439.

<sup>3</sup> *Life and Writings*, Vol. VII, 25. <sup>4</sup> *Same*, Vol. VII, 54-56.

in general is in such a state of insensibility and indifference to its interests, that I dare not flatter myself with any change for the better."<sup>1</sup>

Aug. 28. To the president of congress: The "enclosed copy of a circular letter to the states respectively will inform congress the extremity of our present necessities, and the shocking consequences that are resulting from them." In a note Mr. Sparks said the circular described the distresses of the army for want of provisions, and the hopeless prospect of obtaining timely or effectual relief.<sup>2</sup>

1781. Brig. gen. Wayne to Washington: "The most gen-  
Jan. 2. eral and unhappy mutiny suddenly took place in the Pennsylvania militia, about nine o'clock last night."<sup>3</sup>

"Their complaints were, that many soldiers had been detained beyond the term of enlistment; that the arrearages of pay and the depreciation had not been made up; and that they were suffering every privation for want of money and clothes."<sup>4</sup>

Jan. 5. Washington to brig. gen. Knox, after describing the destitution of the northern army: "I have been speaking of the destitution of the northern army only. General Greene represents the southern as literally naked."<sup>5</sup>

Jan. 20. A part of the New Jersey troops mutinied; and the mutiny was suppressed by Massachusetts troops.<sup>6</sup>

April 9. Washington to colonel John Laurens, at Paris: "We are at this hour suspended in the balance; not from choice, but from hard and absolute necessity; and you may rely on it as a fact, that we cannot transport the provisions from the states in which they are assessed to the army, because we cannot pay the teamsters, who will no longer work for certificates. It is equally certain, that our troops are approaching fast to nakedness, and that we have nothing to clothe them with; that our hospitals are without medicines, and our sick without nutriment except such as well men eat; and that our public works are at a stand, and the artificers disbanding. But why need I run into detail, when it may be declared in a word, that we are at the end of our tether, and that now or never our deliverance must come."<sup>7</sup>

In a circular letter to the eastern states Washington  
May 10. wrote: "From the post of Saratoga to that of Dobb's Ferry inclusive, I believe there is not, (by the returns and reports I have received) at this moment *one day's supply of*

<sup>1</sup> *Life and Writings*, Vol. VII, 58. <sup>2</sup> *Same*, 178. <sup>3</sup> *Cor. of Rev.*, Vol. III, 192.

<sup>4</sup> *Life and Writings*, Vol. VII, 351—note by Sparks. <sup>5</sup> *Same*, 355.

<sup>6</sup> *Irring's Washington*, Vol. IV, 221, 222. <sup>7</sup> *Life and Writings*, Vol. VIII, 7.

*meat for the army on hand.* Our whole dependence for this article is on the eastern states; their resources I am persuaded are ample."<sup>1</sup>

## ACTION OF VERMONT.

JANUARY 14, 1780, TO MAY 26, 1781.

While the prospect of the country was the gloomiest, its great leader almost in despair, and Vermont was embarrassed by enemies on every side, she was thrown upon her own resources; but the leaders of Vermont accepted the difficult task and nobly discharged it. Of this the official records give ample proof. One of the first acts was *a refusal* to apply to general Washington to order Warner's regiment, or other troops, to Vermont for its defense; perhaps out of a shade of indignation at a rebuff just received from a continental officer, which was *necessarily* approved by Washington, though doubtless he would have been glad if he could have avoided it.

*Thomas Chittenden to Colonel Van Schaick, at Albany.* —  
[Abstract.]

BENNINGTON, January 14, 1780.

1780. Informs him that in consequence of anticipated in-  
Jan. 14. cursions from Canada, he had ordered one hundred and fifty men, exclusive of officers, raised to serve till 1st of December; asking for provisions, and also for snow-shoes, camp-kettles, &c., which he is informed are in the continental stores at Albany. He will stand accountable to see them returned, or their value.

ALBANY, January 16, 1780.

*Sir*:—Your letter of the 14th inst. I received yesterday. Your request for provisions, &c., for men called into service by

<sup>1</sup> *Life and Writings*, Vol. VIII. 36. This compliment to the resources of New England by Washington was subsequently extended by him to her patriotism. Writing to Joseph Jones on a suggestion that the army should be used against Vermont, he asked: "By whom is that district of country principally settled? And of whom is your present army (I do not confine the question to this part of it, but will extend it *to the whole*,) composed? The answers are evident,—NEW ENGLAND MEN."—*Life and Writings*, Vol. VIII. 383.

an authority which I as an officer in the army of the *thirteen* United States am not at liberty to acknowledge, would expose me to the loss of my commission — at least subject me to the censure of my superiors ; and as it would not be prudent for me to risk either, I shall decline giving any orders on the occasion until I learn the pleasure of his excellency the commander-in-chief, to whom I shall transmit a copy of your letter.

I am, sir, your humble servant,

G. V. SCHAICK.

January 26, 1780. Van Schaick's conduct approved by gen. Washington.<sup>1</sup>

IN COUNCIL: A petition signed by Jacob Ruback and  
Feb. 29. others, a committee in behalf of three hundred inhabitants of the northern frontiers of this state, and directed to his excellency general Washington, praying for relief by granting col. Warner's regiment or troops to guard said frontiers, being read and the subject thereof debated on, a vote was called thereon whether they approve of said petition being sent to general Washington or not, which passed unanimously in the negative.

*Resolved*, That a copy of this vote be sent to colonel Warner.

Attest,

JOSEPH FAY, *Sec'y.*<sup>2</sup>

Mar. 8-16. The general assembly passed statutes for the following purposes :

"Impowering the inhabitants of the respective towns in this state to tax themselves for certain occasions:" to wit, as per preamble, "to raise sums of money for the carrying on the war, to purchase ammunition for town stock, to support the poor, and many other purposes which they may find necessary."

"To prevent transporting provisions out of this state." The preamble to this act is abridged in Slade's *State Papers*, and is therefore given entire from the council journal :

"Whereas, it is found that large quantities of provisions are continually exported out of this state, which if not immediately prevented will render it impracticable to furnish the troops raised for the defense of the northern frontiers, as also prevent the purchasing commissaries procuring the necessary provisions in this department for the use of the army: Therefore, be it enacted," &c.

This act was to expire August 15 following, and was re-enacted in October and extended until the close of the February session, 1781.

<sup>1</sup> *Letter Book B.*, Vol. IX, 79. <sup>2</sup> *Journals of Council*, 1776 to 1780, 287.

The last act of this session on war measures was—"Regulating the choice of field and staff officers."<sup>1</sup>

IN COUNCIL: "*Resolved*, that whereas *the continental*  
June 9. *pay* due to the troops who served the last season in this state *cannot be obtained of the continent*,—That the treasurer of this state be and he is hereby directed to advance the money to Noah Smith, Esq., paymaster, to discharge the same."<sup>2</sup>

IN COUNCIL: "Whereas, it is represented to this  
July 5. council that many of the soldiers which have enlisted in the service of this state, who are [in] the fortresses of Pittsford and Castleton, are at this time destitute of proper clothing for a campaign; and whereas, it is also represented that the inhabitants of the frontiers, as also other towns in this state, are willing to let them have such clothing as they want, provided it would be approved on by this council and they could be paid:

"It is therefore recommended by this council, to the inhabitants of the several towns in this state to furnish their respective soldiers with such clothing as soon as they can conveniently, and take their orders on the treasurer of this state for the pay, to be deducted out of their wages."<sup>3</sup>

IN COUNCIL: "*Resolved*, That captain Giles Wolcott  
Oct. 13. be and he is hereby appointed a commissary to purchase or procure and forward on provision to the militia who are collected and collected [collecting] in this present alarm."<sup>4</sup>

IN COUNCIL: "To captain Giles Wolcott: You are  
Oct. 13. hereby appointed purchasing commissary for the time being to purchase provisions of every kind, and to transport the same to such place or places as may be necessary to supply the militia in the present alarm, and you are hereby empowered to pledge the faith of this state for the payment of all such contracts; and in case of necessity you are further hereby empowered to seize such provision as may be necessary, and to impress teams, horses, and carriages to forward such provisions to the support of the militia that may be in the service. You will keep regular accounts in your proceedings in order for settlement.

"By order of council,

THOMAS CHITTENDEN, Gov.

"A similar appointment to the above issued to captain Samuel Billings as assistant to captain Wolcott."<sup>5</sup>

<sup>1</sup> *State Papers*, 396, 397.    <sup>2</sup> *Journals of Council*, 1776 to 1780, 304.

<sup>3</sup> *Journals of Council*, 1776 to 1780, 305.    <sup>4</sup> *Same*, 311.    <sup>5</sup> *Same*, 311.

IN COUNCIL: "Gentlemen of the general assembly:

Oct. 14. This council have had so much business in forwarding assistance to the frontiers that they have not had time sufficient to arrange the whole of the business that will likely be laid before you this session; shall therefore at this time lay before you the following for your present consideration, viz.: 1st, the ways and means of supplying the treasury and securing the frontiers; 2d, the procuring provision and ammunition for the year ensuing; 3d, the taking some effectual measures for the securing such lands as have heretofore been and hereafter may be confiscated to the use of this state; 4th, the making such resolves as will quiet the ancient settlers; 5th, the making such resolutions concerning the unsettled rights of lands which have been heretofore granted as will appear just and reasonable and be a means of bringing forward the settlement of the unsettled towns within the lines; and any other matters as they shall occur from time to time [will] be laid before you for consideration.

"By order of council,

"THOMAS CHITTENDEN, *Governor*."<sup>1</sup>

The committee on the defense of the frontiers reported that there were two hundred and thirty men in the garrisons, and that four hundred in addition ought to be raised immediately for six weeks' service unless sooner discharged. Report accepted.<sup>2</sup>

Board of war elected in joint assembly, to wit: Timothy Brownson, Ira Allen, Samuel Robinson, Joseph Bowker, Stephen Pearle, John Fassett, Benjamin Wait, Samuel Fletcher, Thomas Murdock.<sup>3</sup>

IN ASSEMBLY: The committee appointed to take into consideration the petition of col. Warner and lieut. col. Safford, [of Warner's regiment in the *continental service*,] brought in the following report, viz.:

"That it is the opinion of your committee that col. Seth Warner be paid fifty pounds lawful money, and all officers and soldiers of said regiment, that were inhabitants of this state when they engaged in said regiment, in proportion to their continental pay, as part of the depreciation of the wages of said regiment; and that a committee be appointed by this assembly to confer with a committee of the officers of said regiment and see what is due the officers and soldiers of said regiment, and report to the next session of this assembly, that the state may be enabled to settle with said regiment.

"Signed per order, TIMOTHY BROWNSON, *Chairman*."

<sup>1</sup> *Assembly Journal*, 1778-1784, 127. <sup>2</sup> *Same*, 129. <sup>3</sup> *Same*, 132.

The aforesaid report was accepted, and ordered that a committee of three be appointed for said office.<sup>1</sup>

*Resolved*, That the members of the Board of War be  
Nov. 6. and they are hereby directed to meet at some suitable time and place to choose their president and secretary, which president shall have full power to call together the members of said board with the advice of one or more of the members, and as often as may be found necessary, their secretary to keep fair records of all proceedings; and the duty of said board shall be to examine into every necessary measure to be prosecuted for the defense of the frontiers of this state, and recommend to the captain-general of said state the raising any number of men and for such term of time as they may judge proper, (not exceeding nine months,) and further shall have full power to appoint proper officers to command such men so raised, and to call out the militia in such numbers and proportions from time to time as may be found necessary for the security of the frontiers. They will receive and examine the monthly returns of the commissaries of the purchases and issues, and likewise from the commanding officer of the troops; and order all kinds of stores prepared for the use of said state to be transported in such quantities, at such times, and to such fort or garrison as they find necessary by said returns."<sup>2</sup>

Oct. 12-Nov. 8. Among the acts of the general assembly were the following:

“Directing what money and bills of credit shall be a legal currency in this state.”

“Appointing and empowering commissioners to sell and dispose of forfeited estates, and the better regulating the same.”

“For the purpose of procuring provision for the troops to be employed in this state for the year ensuing.” This act required 72,781 pounds of good beef, 36,389 pounds of good salted pork, 218,309 pounds of merchantable wheat flour, and 3068 bushels of rye, to be furnished by the several towns, to which fixed quantities were apportioned, and to be paid by the selectmen in the articles, or an equivalent in silver or paper currency. Wherever the selectmen of any town failed to comply, and in towns which had no selectmen, the articles could be seized on a warrant from the governor. Any surplus of provisions was to be exchanged “for rum, salt, powder, lead, or other necessities for the army.”

“In addition to the last paragraph of an act entitled ‘an act against high treason.’”

“Against inimical conduct.”

<sup>1</sup> *Assembly Journal*, 1778-1784, 150.   <sup>2</sup> *Same*, 158.

“For the removing disaffected persons from the frontiers of this state.”

“Articles, rules, and regulations, for preserving order and good government and discipline among the militia and other forces of this state when called to actual service for the defense and security of the same, and when called upon with respect to going into service, &c.” Twenty-six articles as to duties of officers and men, and fifteen articles as to courts martial.

“An act to libel confiscated estates.” The preamble recites sufficiently the intent and purpose of this act: “Whereas, many persons, heretofore possessed of real and personal property in this state, have joined the open enemies of this and the United States, and, by their treasonable conduct, have justly forfeited their estates to the good people of this state; to the intent, therefore, that the same may be legally condemned, and appropriated to the use of the people of this state, *to enable them vigorously to prosecute the war against Great Britain, in conjunction with the United States, be it enacted, &c.*”<sup>1</sup>

IN COUNCIL: “Rules and regulations directing in Dec. 16. what manner the troops employed in the service of this state shall be paid,” were reported. [These rules provided for a paymaster and pay-rolls.]

“And whereas there is now a number of troops in service and others that have been discharged which are not yet paid for their services, it is further *Resolved*, that all such troops shall be paid by the paymaster in the same manner as is prescribed by the foregoing resolutions” [regulations.]

“*Resolved*, That the paymaster, who shall be appointed, be allowed an adequate compensation for his services, he keeping accounts of his time and necessary expense in such service.

“The preceding rules and regulations read and approved, whereupon

“*Resolved*, That Thomas Tolman be and he is hereby appointed paymaster to the troops heretofore and in future to be raised for the defense of this state for the year ensuing.

“By order of the governor and council.

JONAS FAY, *Sec'y P. T.*

“True copy, recorded.

JOSEPH FAY, *Sec'y.*”<sup>2</sup>

1781. IN GENERAL ASSEMBLY: “*Resolved*, that instead of in-  
Feb. 16. structions given to the board of war, in the last session of this assembly, empowering them to raise troops for the defense of this state for a term not exceeding nine months,

<sup>1</sup> *State Papers*, 398, 406, 407, 413, 414, 415, 420.

<sup>2</sup> *Journals of Council*, 1776 to 1780, 343, 344.



they be empowered to raise such troops for *eleven months*, and that the said board be authorized to appoint a commissary or commissaries of issues as they should judge necessary, and that they be appointed, and to direct the commissaries of purchase to provide such camp utensils as they shall find necessary.

“Extract from the journals.

“Attest, R. HOPKINS, *Clerk*.

“Read and cocurred in——In Council.

“Attest, THOMAS TOLMAN, *Sec’y P. T.*<sup>1</sup>

IN COUNCIL: “*Resolved*, that application to maj. William Goodrich be made to furnish the state of Vermont with six tons of lead, four tons of which he is hereby earnestly requested to deliver to maj. Fay at Bennington, with twelve thousand good gun-flints, to be forwarded to Windsor in said state, to be consigned to major Benjamin Wait.

“Copy delivered maj. Goodrich.

“JOS. FAY, *Sec’y*.

“In consequence of your being appointed to procure some lead for the use of this state, which will be attended with expense, you are therefore hereby authorized *to call upon gentlemen who may have money to pay into the treasury of this state for lands*, for any sum you may have occasion for, and your receipt shall answer on settlements with the treasurer for granting fees.

“THOMAS CHITTENDEN.

“*Maj. Goodrich.*”<sup>2</sup>

This letter, and the act of the October session, 1780, relative to confiscated estates, indicate important sources from which the state treasury was supplied. From October 1779, when the general assembly determined to grant unappropriated lands in disregard of the resolution of congress, the journals of the house and council abound with records of grants of land in Vermont, lying within the region exposed to the enemy, conditioned for settlement at some date subsequent to the grant — in many cases “three years after the termination of the war.” Had Washington been permitted so to use the vast territory of unoccupied lands, the proprietorship of which was in the states of the union to which Vermont was not admitted, there would have been no occasion for his complaints of unpaid, naked, and starving armies. It would seem that Vermont fairly deserves to be credited for making a patriotic use of the little land she had.

<sup>1</sup> *Journals of Council*, 1776 to 1780, 351. <sup>2</sup> *Same*, 371.

IN COUNCIL: "*Resolved*, that two agents be appointed  
March 7. to proceed to Albany and make inquiry with regard to  
the measures pursued by the state of New York for the  
defense of the northern frontiers, and report to this council.

"Col. Ira Allen and major Joseph Fay are hereby appointed  
for the above purpose."<sup>1</sup>

IN GENERAL ASSEMBLY: The committee on defense  
April 12, 13. of the frontier reported that fifteen hundred men should  
be raised for the service of this year; adopted.

"*Resolved*, to add two members to the board of war, and that  
this house will proceed to choose them to-morrow morning."  
"Agreeable to the order of the day proceeded to choose two  
members in addition to the board of war. The ballots being  
taken, col. Timothy Bedle and capt. Ebenezer Brewster were  
unanimously chosen."<sup>2</sup>

The acts of the general assembly touching the war  
April 4-16. were:

"An act for the purpose of emitting a sum of money,  
and directing the redemption of the same." This act authorized  
the emission of £25,155 in bills of credit, for the redemption of  
which a tax of one shilling and three pence, lawful money, on the  
polls and rateable estate was laid — the preamble declaring that  
it was "for the purpose of carrying on the war, and the payment  
of the public debts of this state, as well as for enlarging the  
quantity of circulating medium." The same act imposed a land  
tax also, of ten shillings on each one hundred acres of land which  
then admitted of settlement — to be paid "in silver, or gold equiv-  
alent, or in said bills" [of credit.] The preamble to this enact-  
ment declared that "the land is the great object of the present  
war, and receives the most protection of any estate; a very large  
part of which has hitherto paid no part of the great cost arisen  
in defending it, whilst the blood and treasure of the inhabitants  
of the state has been spent to protect it, who, many of them,  
owned but a very small part thereof."

"An act for more effectually supplying the troops." The sup-  
ply provided for by the act of October session 1780 being insuffi-  
cient, this act provided that the board of war might order the  
commissary general to purchase all supplies necessary, to be  
paid for from the treasury on an order from the board.

"An act ascertaining the current value of bills of continental  
credit, in Spanish milled dollars, in this state; and of contracts

<sup>1</sup> *Journals of Council*, 1776 to 1780, 372.

<sup>2</sup> *Assembly Journal*, 1778-1784, 244, 245. *Records Board of War*, 26.

made for payment thereof in the several periods of its depreciation."<sup>1</sup>

By this act, one hundred Spanish silver dollars were worth seven thousand and two hundred dollars of continental bills in Vermont, September 1, 1780; and it appears also that the continental money in September was worth, in Vermont, only *one half* its value four months previous. This fact shows how desperate was the condition of the country at that date.

"*Resolved*, that the captain-general notify the officers April 26. of the militia in the counties of Bennington and Rutland [the remainder of western Vermont being north of the line between Vermont and the enemy] to make returns of the deficiency of ammunition in their respective regiments, &c., and receive orders for their supply, which will be delivered on account of money due to the militia for services done.

"*Resolved*, that Joseph Farnsworth, esquire, commissary of purchases, be and hereby is directed to receive and receipt the ammunition belonging to this state, and to be accountable."<sup>2</sup>

IN COUNCIL: "*Resolved*, that an *embargo* be and hereby May 26. is laid on the exportation of all kinds of provisions out of the state, that is necessary and suitable for the army, for thirty days next coming."<sup>3</sup>

## THE CONDITION OF NEW YORK,

MARCH, 1779, TO MAY 19, 1781.

The state of New York was equally exposed with Vermont on its northern frontier, while within its southern border a large British army had possession and was constantly threatening the portion of the country most densely populated. As between Vermont and New York, the latter was the weakest; it actually asked and received the aid of Vermont, on more than one occasion, for the protection of its north-eastern frontier; and from the removal of Warner's regiment from Vermont in April 1778, it was constantly employed within New York and for its defense.

<sup>1</sup> *State Papers*, 424, 429.

<sup>2</sup> *Journals of Council*, 1781 to 1784, 3. <sup>3</sup> *Same*, 4.

When gov. Chittenden was asking Washington, as the  
 1779. least favor, to support and pay the troops furnished by  
 Vermont, gov. Clinton was urging upon the commander-in-chief the danger and destitution of New York. March 3, he wrote that the inhabitants of the western frontier, particularly Tryon county, were so apprehensive of danger that many of them had removed, and most of them would speedily remove, into the interior. To encourage the people to remain and cultivate an important district for wheat, the governor urged Washington to take the offensive, and promised a force from New York to co-operate. But he added: "if we raise any number of men, we shall be at a loss to arm them fit for the field, unless we can be supplied by the public," — *i. e.*, congress.<sup>1</sup> On the 18th, he wrote that the legislature had empowered him "to embody one thousand men for the defense of the northern and western frontiers;" and that "this was the most they conceived the state, under its present distressed situation, was able to raise." He added, that to do even this he must take at least half of the men raised to fill up the continental battalion.<sup>2</sup> Five hundred men, then, were all that great state could really raise — probably not more than the number of Vermonters then actually in the service of New York and Vermont in defending the northern frontiers.

April 24, gov. Clinton informed Washington that the  
 1780. enemy had appeared at different places on the northern and western frontiers, and that he feared the more remote settlements would be abandoned before relief could be offered. As to provisions and forage, he wrote:

"In the meantime, I think it my duty to inform your excellency that, in consequence of the several laws which have been enacted for obtaining supplies of provision and forage for the army, this state is so exhausted that I am persuaded there is not more grain and meal left in possession of the farmers than a bare competency for the support of its inhabitants until the new crop comes in; and with respect to forage, few of the farmers have a sufficiency to bring their stock through until grass."<sup>3</sup>

<sup>1</sup> *Correspondence of the Revolution, letters to Washington*, Vol II, 255.

<sup>2</sup> *Same*, 263. <sup>3</sup> *Same*, 440.

In May, a body of Tories and Indians, under Sir John Johnson, made a sudden irruption into the Mohawk valley, ravaging that portion of New York, and returned by way of lakes George and Champlain. June 13, Gov. Clinton reported to Washington his unsuccessful pursuit of Johnson, with "the militia, and with the levies stationed at Fort Edward, and a detachment of Warner's regiment." "I think it my duty to inform your excellency that, on my request, I was joined by a party of two hundred and fifty of the militia of the Grants, under Colonel Warner and Major Allen, whose behavior on this occasion, in every respect, was very agreeable to me."<sup>1</sup> To the New York delegates in Congress he wrote: "The punctuality and readiness of the militia of the Grants in complying with his request with about two hundred and forty men, did them great honor."<sup>2</sup>

In October, a British force of more than one thousand men, under Major Carleton, came up Lake Champlain, capturing Fort Ann on the 10th and Fort George on the 11th. This occasioned great alarm through north-eastern New York, and Gov. Clinton asked the assistance of Vermont to repel the invaders.

October 18, Col. A. Webster to Gov. Chittenden — Extracts: The enemy at Ticonderoga, to the number of seven hundred and fifty, have burned Ballstown, and were on their way to Stillwater, or Saratoga, or Fort Edward. His excellency Gov. Clinton is at Albany, and requested me to inform your excellency as above, and request your assistance in order to get ahead of the enemy if possible.<sup>3</sup>

October 18, Gov. Chittenden to Gov. Clinton — Extracts: Have called assistance from Berkshire county. The militia of this state [Vermont] are still at the north, watching the movements of the enemy. Shall send [the Berkshire militia] immediately to your assistance, unless I have counter advices from your excellency. This state are always ready to co-operate in any measures to frustrate the designs of the common enemy.<sup>4</sup>

October 18, Gov. Clinton to Gen. Schuyler — extract: I have been obliged to divide the small force that could be raised immediately from the lower parts of this county, to oppose the enemy at Ballstown and Schoharie.<sup>5</sup>

<sup>1</sup> *Correspondence of the Revolution, letters to Washington*, Vol. II, 472.

<sup>2</sup> *Early History*, 320.    <sup>3</sup> *Clinton Papers*, No. 3281. — See post 67.

<sup>4</sup> *Clinton Papers*, No. 3282.    <sup>5</sup> *Same*, 3277.

October 17 and 20, general Schuyler wrote to gov. Clinton of the panic and ravages of the enemy.

October 30, gov. Clinton to Washington — extracts: The injuries we have sustained, by these different incursions of the enemy, will be most severely felt. They have destroyed, on a moderate computation, two hundred dwellings and one hundred and fifty thousand bushels of wheat, with a proportion of other grain and forage. The enemy to the northward continue in the neighborhood of Crown Point, and the inhabitants, in consequence of their apprehension of danger, are removing from the northern parts of the state. Col. Weissenfell's [continental] regiment, with the others of this state, are exceedingly destitute in point of clothing.<sup>1</sup>

On the same day, col. Seth Warner wrote to gen. Washington, complaining that the men at Fort Edward were few in number, and destitute of clothing. Much clothing due his regiment.<sup>2</sup>

October 31, gen. Schuyler, at Saratoga, to gov. Clinton — extracts: The conduct of some people at the eastward is alarmingly mysterious; a flag under pretence of settling a cartel with Vermont has been on the Grants; Allen has disbanded his militia, and the enemy in number upwards of sixteen hundred are rapidly advancing towards us. Intreat gen. Washington for new continental troops, and let me beg of your excellency to hasten up here.<sup>3</sup>

October 31, Schuyler to Washington — extracts: I find Allen has dismissed his militia, and that it is believed that a compact has been made [by the British] with him. Should this really be the case, it will be a most disagreeable circumstance; and unless a speedy interposition takes place, the consequences may prove extremely prejudicial to the common cause. The militia are so harrassed that I much doubt if we shall be able in time to collect a body sufficient to oppose the enemy if their force is such as stated.<sup>4</sup>

November 1, Schuyler to Clinton — extract: The militia of Fort Edward have all left, and col. Gansevoort will probably be obliged to abandon it. The enemy are approaching Skenesboro, and the people are in a panic removing their families.<sup>5</sup>

These letters of gen. Schuyler show the consternation which prevailed in north-eastern New York and the peril to the general cause, when "Allen had disbanded his militia," and *Vermont had apparently left them to themselves, either to stand or fall.*<sup>6</sup> But

<sup>1</sup> *Cor. of the Rev., letters to Washington*, Vol. III, 134.

<sup>2</sup> *Washington Letters*, Vol. XLIII, 117.    <sup>3</sup> *Clinton Papers*, No. 3324.

<sup>4</sup> *Washington Letters*, Vol. XLIII, 129.    <sup>5</sup> *Clinton Papers*, No. 3328.

<sup>6</sup> Col. Alexander Webster to gen. Schuyler, October 31, transmitted by Schuyler on the same day to Washington.

they were all mistaken : on the 29th Allen had proposed to major Carleton to *include New York to the Hudson river in the truce* ; by the 31st, Carleton had agreed to the truce to the full extent asked by Allen ; and in consequence of the truce, instead of advancing his force into New York, he retired to Canada, and the Vermont militia were disbanded.<sup>1</sup> These facts were communicated to some of the officers in New York, but they were not understood by the inhabitants. The unexpected retreat of the invaders reminded them of the Scripture : “ And the Lord put a hook in their nose, and turned them about the way they came.”<sup>2</sup> They afterward learned that it was Allen who had saved them from the foe, before whom they and their military protectors were ready to flee.

February 14, gov. Clinton to Washington — extracts :  
 1781. “ Moderate as we have been in a detail of our distresses, they fall far short of those we at this instant actually experience. The enemy have commenced their barbarities, and butchered some of the inhabitants in Tryon county, numbers of whom, impelled by apprehensions too well founded, are already moving, and the remainder preparing to follow. In the dilemma to which this calamity has reduced us, we wish, in order to prevent a total depopulation of the best part of our remaining territory, to have it in our power to assure the inhabitants that the two regiments of our state line will be destined for the frontier service ; and we therefore take the liberty to request your excellency to enable us to give these assurances, and to be informed from you whether this, or any other equal force, will remain for the protection of the northern and western frontiers. As nothing but the fullest conviction that such severe calamities will follow from withdrawing these troops, as will be replete with ruin to the common cause, could have induced us to this request, we trust in your excellency’s candor for a favorable construction of our intentions. Any interference in your command is the farthest from our wish. *A want of ability to raise a competent body of troops for the defense of the frontiers, and a conviction of the necessity of at least doubling their number,* induce us to entreat your excellency to afford us whatever further assistance you may have in your power.  
 \* \* *The want of some artillerists and field artillery,* when the enemy penetrated into the country in the last campaign, was an evident disadvantage. We could, therefore, wish for such a portion of them as your excellency may judge adequate to this service. The frequent calls on the militia, in the course of the last cam-

<sup>1</sup> Early History, 320-323.    <sup>2</sup> Vermont Historical Collections, Vol. 1, 417.

paign, *have exhausted all our stock of ammunition*; and, as we have not the means of obtaining any, except from the public [continental] magazines, permit us to entreat your excellency to direct a quantity to be expedited to this place for the use of the troops (militia) who may be called into the field. The commanding officer here will doubtless inform your excellency that *the troops in this department are destitute of provisions of the meat kind*; that, on the 6th instant, there was beef at Fort Schuyler only for fifteen days, and that the troops in this city [Albany] and Schenectady are billeted upon the inhabitants for want of that article of provision. As a present relief, *we have advanced all the money in our treasury*, amounting to about twelve hundred dollars of the new emission, to our agent to purchase beef. From this, however, we expect little success, *as there are no beef cattle within the state.* \* \* By order and in behalf of the legislature.”<sup>1</sup>

May 4, gen. Schuyler wrote to gov. Clinton that it would be impossible to keep up a sufficient guard on the frontier for want of provisions.<sup>2</sup>

May 5, gen. James Clinton to gov. Clinton: From present appearances I am convinced the troops will abandon the frontier. It is absurd to suppose they can or will exist under their present circumstances. \* \* I have repeatedly called for assistance from every quarter, but could obtain none.<sup>3</sup>

May 19, Schuyler, at Saratoga, to gov. Clinton—extracts: The tories are fleeing to Canada, and the enemy is soon expected in force. Only thirty-nine levies are as yet come; we have not above one hundred and fifty [in the whole] and none are expected. \* \* I cannot, in justice to myself and family, any longer risk my property here, and intend to leave to-morrow unless I receive letters this day announcing the approach of more troops. It is a mortifying reflection that so fine a country must be abandoned for want of men and provisions.<sup>4</sup>

The state of New York was at this period threatened with attacks from the Indians from the valley of the Mohawk, and the British army in Canada upon her north-eastern frontier by way of lake Champlain. In summing up the condition of the state, col. William L. Stone charged: that at that time treachery was rank—“the poison was actively at work in New York”—actively at work even in Albany—and pictured his own state in colors of the saddest shade:

<sup>1</sup> *Correspondence of the Revolution*, Vol. III, 228.

<sup>2</sup> *Clinton Papers*, No. 3691. <sup>3</sup> *Same*, No. 3692. <sup>4</sup> *Same*, No. 3729.



“ Under all these circumstances of internal and external dangers, with but slender garrisons at the points of greatest exposure, and those so miserably provided that the soldiers were deserting by dozens, showing dispositions not equivocal of going over to the enemy, without provisions or the means of procuring them, and scarcely knowing whom to trust among their own people, lest the disaffection should prove to be more extensive than recent disclosures had taught the officers to suppose, *the spring of 1781 may well be considered as the darkest period of the Revolution.*”<sup>1</sup>

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## THE POLICY OF VERMONT.

The foregoing review of the condition of Vermont, and the action of congress constantly adverse to her — of the condition of the country as to the war for independence, and of New York, — covers the period antecedent to the actual commencement of the Haldimand negotiation, May 8–25, 1781. At this period, the independence of Vermont was menaced by New York and New Hampshire; and, without her consent, congress was entertaining their claims; while within her own borders, Vermont was weakened and embarrassed by parties favoring the states on the east side and the west: so one immediate and indispensable task of her statesmen was to maintain her independence against foes within and without. There was, at the same time, another duty, equally indispensable, not only for Vermont but for the country at large, and that was to protect herself and the nation from a British army of ten thousand men in Canada. Practically that army then had possession of Vermont and northern New York to Ticonderoga — of two-thirds of the territory of Vermont. The people and government of the remaining territory stood alone for their own defense — the only barrier to Haldimand’s advance to a junction with sir Henry Clinton’s army in the capital of New York; or, by the military road through the settled portions of Vermont, from Ticonderoga to Charlestown, N. H., and thence

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<sup>1</sup> *Stone’s Life of Brant*, 153; II. *Hall’s Early History of Vermont*, 341–344.

by the valley of the Connecticut into the heart of New England.<sup>1</sup> Washington and congress could give no aid, not even so little as provisions and pay for Vermont soldiers in continental service. The other New England states could give no aid, because Washington was demanding, in circular after circular, all their resources in men and provisions.<sup>2</sup> New York was powerless to defend herself, and was asking and receiving the aid of Vermont.

Vermont then stood entirely alone, and at the utmost she could not command more than seven thousand men against Haldimand's ten thousand.<sup>3</sup> Successful resistance was impossible: what could not be done by force must be done by *policy*. This is the key, both to the Haldimand negotiation, and the concurrent action of Vermont in extending her jurisdiction over adjoining portions of New Hampshire and New York.

This policy was adopted by the Vermont leaders as a dernier resort. The most of them then believed that an armistice was "impracticable, at least for any length of time," but that it "*was necessary for Vermont.*"<sup>4</sup> The extension of the jurisdiction of Vermont to the Mason line in New Hampshire was merely a *coup de main*; and on the same day, February 14, 1781, the assembly of Vermont claimed jurisdiction also to the territory of New York.<sup>5</sup>

The Haldimand negotiation was *apparently* adverse to the common cause, and therefore unpatriotic; but, *in fact*, it served and saved that cause in the time of its greatest need. The claims to the territory of New Hampshire and New York were *apparently* unfounded and unfriendly; but they were abandoned by Vermont in due time, and were really powerful for peace among the three states. The Haldimand negotiation and the encroachments upon New Hampshire and New York, combined, extorted JUSTICE TO VERMONT, from both congress and those states. The policy of Vermont

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<sup>1</sup> Lord George Germaine's instructions to Haldimand, hereafter given in his lordship's letter to sir Henry Clinton, February 7, 1781.

<sup>2</sup> There were seven circulars of this purport between January 5 1781 and May 4 1782.—*Life and Writings*, Vol. VII, 354, 381; Vol. VIII, 36, 123, 226, 232, 283.

<sup>3</sup> *Ira Allen's History, Vermont Historical Collections*, Vol. I, 420.

<sup>4</sup> *Same*, 420. <sup>5</sup> *Same*, 413, 414, 418.

was in its inception doubtful and dangerous, but it was also indispensable ; in its results, injurious to none ; and for Vermont, triumphantly successful.<sup>1</sup>

<sup>1</sup> From June 1776 to August 1781, congress had been steadily adverse to Vermont. July 31, 1781, a letter from lord George Germaine to sir Henry Clinton, indicating "the return of the people of Vermont to their allegiance," became known to congress. Immediately the disposition of that body towards Vermont was radically changed. August 7, resolutions, looking to a recognition of Vermont on condition of her surrender of territory she had claimed from New Hampshire and New York, were adopted by the vote of every state except New York ; and on the 14th, James Madison, of Virginia, a member of the committee on the subject, stated the reasons in the following letter :

*James Madison to Edmund Pendleton.*

PHILADELPHIA, August 14, 1781.

*Dear Sir :—*The controversy relating to the district called Vermont, the inhabitants of which have for several years claimed and exercised the jurisdiction of an independent state, is at length put into a train of speedy decision. Notwithstanding the objections to such an event, there is no question but they will soon be established into a separate and federal state. A relinquishment made by Massachusetts of her claims ; *a despair of finally obtaining theirs on the part of New York and New Hampshire, the other claimants on whom these enterprising adventurers were making fresh encroachments ;* the latent support afforded them by the leading people of the New England states in general, from which they emigrated ; *the just ground of apprehension that their rulers were engaging in clandestine negotiations with the enemy ;* and lastly, perhaps, the jealous policy of some of the little states, which hope that such a precedent may engender a division of some of the large ones, are the circumstances which will determine the concurrence of congress in this affair."—See *Early History*, 346–353. *Madison Papers*, Vol. I, 96.

Though Vermont was not admitted to the union till 1791, the resolutions of August, 1781, gave a pledge, of which the final admission was the fulfillment.



# THE HALDIMAND PAPERS.

JANUARY 11, 1779, TO MARCH 25, 1783.<sup>1</sup>

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H.—*General Haldimand*<sup>2</sup> to *Lord George Germaine*.<sup>3</sup>

1779.  
Jan. 11. Your Excellency acquaints the Minister, that the insurgents of Vermont under Allen still give umbrage to what is called the New York Government.<sup>4</sup>

H.—*Lord George Germaine* to *General Haldimand*.

March 3. The Minister says, "The separation of the inhabitants of the country they style Vermont from the provinces in which it was formerly included is a circumstance from which much advantage might be derived, and sees no objection to giving them reason to expect the king will erect their country into a separate province.

*Beverly Robinson* to *Ethan Allen*.

NEW YORK, March 30, 1780.

1780.  
March 30. *Sir*:—I am now undertaking a task which I hope you will receive with the same good intentions that incline me to make it. I have often been informed that you and most of the inhabitants of Vermont are opposed to the wild

<sup>1</sup> Each of the Haldimand Papers will be designated by the letter H prefixed. The sources of all other documents will be indicated.

<sup>2</sup> Governor of Canada, Lieutenant-General and Commander of the British army there.

<sup>3</sup> Of the British Cabinet, Secretary for American Affairs.

<sup>4</sup> *Haldimand Papers*, Ms., Vol. 1, 516. Many of the papers are only notes of and extracts from original papers, made for the use of Gen. Haldimand. They are given *literally* in this volume, except that the dates are transferred to the margin, and the editor has supplied headings.

and chimerical scheme of the Americans in attempting to separate the continent from Great Britain, and to establish an independent state of their own; and that you would willingly assist in uniting America again to Great Britain and restoring that happy constitution we have so wantonly and unadvisedly destroyed. If I have been rightly informed and these should be your sentiments and inclinations, I beg you will communicate to me without reserve whatever proposals you would wish to make to the commander-in-chief,<sup>1</sup> and I here promise that I will faithfully lay them before him according to your directions, and flatter myself I can do it to as good effect as any person whatever. I can make no proposals to you until I know your sentiments, but I think upon your taking an active part and embodying the inhabitants of Vermont in favor of the crown of England, to act as the commander-in-chief shall direct, that you may obtain a separate government under the king and constitution of England, and the men formed into regiments under such officers as you shall recommend, and be on the same footing as all the provincial camps are here. I am an American myself, feel much for the distressed situation my poor country is in at present, and anxious to be serviceable toward restoring it to peace, and that mild and good government we have lost. I have, therefore, ventured to address myself to you on this subject and hope you will see it in a proper light, and be as candid with me. I am inclinable to think that one reason why this unnatural war has continued so long, is that all the Americans who wish and think it would be for the interest of the country to have a constitutional and equitable connection with Great Britain, do not communicate their sentiments to each other so often and freely as they ought to do. In case you should disapprove of my hinting these things to you and do not choose to make any proposals to Government, I hope you will not suffer any insult to be offered to the bearer of this letter, but allow him to return in safety, as I can assure you he is entirely ignorant of its contents.

But if you should think it proper to send proposals to me to be laid before the commander-in-chief, I do now give you my word that if they are not accepted of or complied with by him, (of which I will inform you,) the matter shall be buried in oblivion between us. I will only add that if you should think proper to send a friend of your own here with proposals to the general, he shall be protected and well treated here, and allowed to return whenever he pleases.

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<sup>1</sup> Sir Henry Clinton, at New York city.

I can say nothing further at present but my best wishes for the restoration of peace and happiness to America.

And am your humble servant,

BEV. ROBINSON, *Col. Royal Americans.*

To Col. ETHAN ALLEN, {  
State of Vermont.<sup>1</sup> }

The suggestion of Haldimand, the reply of Germaine, and the proffer of Robinson, all show that the then pending controversy with New York was the lever by which the servants of the British crown were attempting to move Vermont from her integrity to the cause of American Independence. "A SEPARATE PROVINCE" was the bauble with which she was to be bought. Bauble though it was when compared with the free and independent state which Vermont aspired to be, it was, under the circumstances attending its offer, by no means a small temptation. To measure it justly, the controversy itself, and the state of it when Robinson's letter was received, ought to be considered.—See *Introduction*, p. 16.

In the summer of the year 1779 war between New York and Vermont was threatened; congress interposed in September to preserve peace; but the proposals of congress were entirely unacceptable to Vermont, whose legislature unanimously rejected them in October, and in December the governor and council issued "an appeal to the candid and impartial world," in which Vermont's independence of congress, and the states claiming jurisdiction over her, was declared. June 2, 1780, congress unequivocally condemned the course of Vermont. At that time both New York and New Hampshire were claiming jurisdiction over Vermont, and the delegation of New York in congress had suggested a compromise with New Hampshire, which would have absorbed Vermont. Embarrassed by internal enemies, threatened with annihilation by New York and New Hampshire, congress adverse, two thirds of her territory open to the British and Indians, and the rest threatened by a strong British army which held the way to her frontier settlements: this was the condition of Vermont when, in July 1780, Ethan Allen received Robinson's letter. That letter held out the promise that Vermont should be a separate province

<sup>1</sup> *Ethan Allen Papers*, Ms., in the Secretary of State's office, Montpelier, p. 327. Though dated in March, this letter was not delivered to Allen until July or August.

under the protection of Great Britain. It implied that independence of New York, for which Vermont most ardently longed ; it implied exemption from the tyrannical exactions of New York ; it implied peace with Great Britain, and a powerful ally to defend Vermont against every assault. Indeed, had Vermont acceded to the proposition at that time, it may well be doubted whether she would have been attacked at all—whether the American revolution would not have failed. It is not unreasonable to say, that there was much in this offer to tempt Vermont ; and much patriotism and courage in her rulers to neglect an opportunity that, in their then desperate circumstances, promised comparatively so well.

Williams regarded Robinson as the agent of sir Henry  
 July.  
 August. Clinton, one of the king's peace commissioners :

The wish and aim of the British general in New York was first announced in a letter from col. Beverly Robinson to Ethan Allen, at that time a colonel in the American service.<sup>1</sup> The letter was dated New York, March 30th, 1780, and delivered to Allen in the street at Arlington, in July, by a British soldier in the habit of an American farmer. \* \* On the receipt of this letter, Allen immediately communicated it to the governor, and a number of the principal gentlemen in Vermont, who agreed in opinion that it was most prudent not to return any answer, but to let the matter pass into oblivion.<sup>2</sup>

Ira Allen, who dwelt in the same house with Ethan, and was thoroughly informed as to all public affairs in Vermont, agreed with the above statement, but added :

Mr. Allen perused the letter, then told the bearer that he should consider of it, and that he might return. \* \* General Allen immediately communicated the contents of it to the governor and some confidential friends, who agreed in opinion that it was best not to return any answer ; but it was agreed, that in consequence of application to the governor of the friends of some persons that had been taken at Royalton, who were prisoners in Canada, that the governor should address a letter to the commander-in-chief, general Haldimand, on the subject of a cartel for the exchange of prisoners, and send a flag of truce with it to the first British ship stationed on the lake, which was accomplished.<sup>3</sup>

<sup>1</sup> Allen was brevet colonel by the authority of congress. He was not in the continental service, but in the service of Vermont as general.

<sup>2</sup> *Williams*, Vol. II, 202, 204.

<sup>3</sup> *Vermont Historical Collections*, Vol. I. 414, 415.



The attack on Royalton was not made until October 16,<sup>1</sup> so a reference by Mr. Allen to that event, *as of July*, would be incorrect. Still, May 1781, Allen stated to maj. Lenoir that "gov. Chittenden *last July* sent a flag to the British commodore on lake Champlain, with a letter to gen. Haldimand, requesting the exchange of some prisoners, *which produced a truce last autumn.*" This ignores gov. Chittenden's letter in *September*, to which gen. Haldimand replied in October, tendering the truce through maj. Carleton.

Williams declared explicitly that gov. Chittenden's letter to general Haldimand was in July, and for the relief of prisoners taken in the spring of 1780:

An event took place in the spring of the year 1780, which furnished the British with an opportunity to make a similar attempt [as sir Henry Clinton's through Robinson] from Canada. A number of men had been made prisoners in a descent, which had been made by some of their scouting parties, and carried prisoners to Canada. Their friends applied to gov. Chittenden to send a flag into Canada to negotiate their release or exchange. The governor complied with their request, and in the month of July a flag was sent with a letter to the commanding officer in Canada. In the fall the British came up lake Champlain in great force; the commanding officer brought a favorable answer from gen. Haldimand to gov. Chittenden's letter, and sent a flag to Ethan Allen, then a brigadier general and commanding officer in Vermont, *proposing a cessation of hostilities with Vermont*, during a negotiation for the exchange of prisoners.<sup>2</sup>

In a "memorandum" of dates, in the *Ethan Allen Papers*, are two dates — thus:

"Gov<sup>r</sup>. Chittenden to General Haldimand, July, 1780."

"Col. B. Robinson to Gen<sup>l</sup>. Allen Rec<sup>d</sup> Aug<sup>t</sup>. 1780."<sup>3</sup>

The first repeats the statement that gov. Chittenden asked an exchange of prisoners in July, while the second fixes the receipt of Robinson's letter in *August* instead of July, and was doubtless erroneous.

Out of this confusion it is desirable to draw order, nor is it unimportant. It is to be observed first, that there *is no record ev-*

<sup>1</sup> *Thompson's Vermont*, part II, 69.

<sup>2</sup> *Williams*, Vol. II, 205. <sup>3</sup> *E. Allen Papers*, ms., 375.

idence that Chittenden wrote to Haldimand in July 1780 : not in the *Haldimand Papers* on Vermont, which date back to January 11, 1779 ; not in the *Stevens Papers*, else Mr. B. H. Hall would have been as careful to note such a letter as he was to note the letter of September 27 ;<sup>1</sup> and not in the journals of the council and the assembly. The latter was not in session between March 17 and October 12, and there was no action on the subject at the March session. The governor and council did hold special sessions in June and July, but there is no record of any resolution or other action on this subject. Again it is to be observed, there is record evidence of an application for the relief of Vermont prisoners in Canada, which was made to gen. Washington in August. It is found in a letter of Washington to gen. Haldimand, August 30, 1780, and another of the same date to Ethan Allen. The letter to Allen is as follows :

*General Washington to Colonel Ethan Allen.*<sup>2</sup>

HEAD QUARTERS, 30 August, 1780.

*Sir* : — I have been favored with *yours of the 16th instant*. I cannot, without deviating from the rule of conduct which I have constantly observed, exchange the officers of colonel Warner's regiment at this time, because there are a great many who have been much longer in captivity, and have therefore a just right to a preference. But, to endeavor to afford them the best relief the nature of the case will admit, I have written to general Haldimand, and proposed to him to send *them* and *the other prisoners of war in his possession* to New York, where we can furnish them with supplies of different kinds, which we cannot, from the great distance, forward to Quebec, and where they will be exchanged in due course. I have also represented to general Haldimand what you report of the treatment of our prisoners in Canada ; and I hope my remonstrance will have the desired effect, should the cause of complaint be well grounded.

I am, &c.,

GEO. WASHINGTON.

<sup>1</sup>The index to the *Stevens Papers* shows only *one* letter from Chittenden to Haldimand, and this was in volume eight, which contained the correspondence of 1782. This letter was therefore the one written in July, 1782, when, according to Williams, gov. Chittenden wrote to gov. Haldimand, requesting the release of two Vermont officers, then prisoners in Canada. — *Williams*, Vol. II, 211. See note <sup>1</sup> on the next page.

<sup>2</sup> *Life and Writings*, Vol. VII, 179-180.

These are all the statements obtainable as to any application for an exchange of prisoners, in 1780, previous to September 27. It certainly is reasonable to conclude that Williams,—writing from general recollection fourteen years after the event—was mistaken as to the *date*, as Allen evidently was as to the *occasion* of the application. Courtesy required that application should be first made to Washington. Failing in that, humanity both required and justified an application to the British commander. The application to Washington *did* fail. His papers show no reply from Haldimand; and it is now known that the latter's instructions from the British minister required him to deal directly with Vermont, as he really did. Allen's letter reached Washington in two weeks. Two weeks for the return would bring the answer about the 14th of September. With Robinson's letter in their hands, did not Chittenden and Allen then *know* that Washington's application would be vain, and that their only chance was with Haldimand? With that view, most probably, the only letter in 1780, of which there is record proof, was written on the 27th of September. It will be seen that after the commissioners had been appointed to negotiate an exchange, Chittenden again wrote to Washington, asking for British prisoners in Washington's hands to exchange for Vermonters.

The *record evidence* is this:

September 27. Gov. Chittenden wrote to gen. Haldimand September 27, 1780, asking a cartel for exchange of prisoners."<sup>1</sup>

October 20: Haldimand's instructions to his commissioners.<sup>2</sup>

October 22: Haldimand's letter to gov. Chittenden, by major Carleton.

If this view of the facts is correct, two important conclusions follow: one is that gov. Chittenden proposed to Haldimand simply an exchange of prisoners, and not until he judged the application of Washington would fail; and the other is, that THE TRUCE was proposed by Haldimand, and used by him as the opportunity for

<sup>1</sup> B. H. Hall's ms. memorandum from the *Stevens Papers*. The index does not refer to this letter, and it is possible the date was found in Haldimand's letter to Chittenden, October 22, of which Mr. Hall gave an extract only.

<sup>2</sup> Date in Haldimand's instructions of December 20, 1780, *post*.

attempting to detach Vermont from the American cause. Oct. 22 Haldimand proposed a truce for negotiating an exchange; Vermont accepted this offer Nov. 1; and thereupon, Dec. 20, Haldimand *added*, to the negotiation for an exchange of prisoners, a negotiation to make Vermont a separate province.

October. The invasion of the British from Canada up lake Champlain, alluded to above, was early in October. The general assembly met at Bennington on the 12th of that month, and the first action, indicating any knowledge of this movement of the British, was on the 13th:

IN COUNCIL: October 13th, 1780. *Resolved*, That capt. Giles Wolcott be and he is hereby appointed a commissary to purchase or procure and forward on provisions to the militia who are collected and collected [collecting] *in this present alarm*.<sup>1</sup>

IN ASSEMBLY: Mr. David Robinson, the constable attending on this house, requested he might be dismissed *to go in the alarm*, and Mr. Timothy Follett take his place; granted.<sup>2</sup>

This was the same time at which the intelligence was received at Albany, and as that place was quite as accessible as Bennington, the fact would seem to be that the Vermonters were as prompt in giving the alarm as were their neighbors. Col. Malcolm wrote to Washington from Albany, October 13, informing that the enemy, — numbers uncertain, from four hundred to eleven hundred and fifty — landed at South Bay, took Fort Ann, burnt several houses about Fort Edward, and yesterday (12th) returned towards the lake. The militia ordered out; would have marched col. Van Schaick's [New York] regiment, but he thought the men would desert. "Nothing from the Grants; I suspect all is not right."

This letter was enclosed in another from gov. Clinton, who wrote:

"It is a little remarkable that we had not the least intelligence from the Grants of the appearance of the enemy, though they passed their settlements in boats on the way to Fort Ann."<sup>3</sup>

Again, on the 18th, gov. Clinton wrote to Washington:

<sup>1</sup> *Journals of Council*, 1776 to 1780, 311.

<sup>2</sup> *Assembly Journal*, 1778-1784, 125.

<sup>3</sup> *Washington Letters*, in U. S. Dept., Vol. XLII, 341.

"I received no intelligence from the Grants, either whether the enemy have done any mischief there, or whether their militia is turning [out] for our assistance."<sup>1</sup>

On that very day, it will be seen, he asked assistance from gov. Chittenden.

The reader has already seen that the Vermont militia *were* collected and collecting at the very time when Van Schaick was *declining* to march his regiment to meet the enemy. South Bay, [sometimes called West Bay,] is on the New York side of the lake and opposite to the then frontier line [in the range of Castleton] between Vermont and the enemy. It could hardly be true that the enemy passed by our "settlements," though they did pass our scouting-grounds, — possibly in the night. Their designs were against New York, and not against Vermont, as the British policy then was to favor Vermont at the expense of New York, with a view to future operations.

As a further comment upon gov. Clinton's complaints of Vermont, another letter from col. Malcolm is cited, which is by no means flattering to the spirit of the New Yorkers on that occasion. On the 16th of October he wrote again to Washington, declaring that the [New York] militia were ordered out eight days ago, but *only sixty had appeared*, emphatically adding: "It is past doubt, unless some troops soon come, *Albany and Schenectady will be our frontier.*"<sup>2</sup>

October 18, col. Webster for gov. Clinton wrote from Albany to gov. Chittenden for assistance, and on the same day Chittenden replied, that he had called assistance from Berkshire [Massachusetts;] the [Vermont] militia were at the north, but he would send the Berkshire militia as soon as they arrived, adding that Vermont was "always ready to co-operate in any measures for the defense of the frontier."<sup>3</sup>

Governor Clinton subsequently denied that he had given any order to Webster, and said he would never acknowledge the independence of Vermont.<sup>4</sup>

<sup>1</sup> *Correspondence of the Revolution*, Vol. III, 122.

<sup>2</sup> *Washington's Letters*, State Dept., Vol. XLIII, 24.

<sup>3</sup> *Clinton Papers*, Nos. 3281 and 3282. *Ante*, 51.

<sup>4</sup> *Index to Stevens Papers*, 26.

While this correspondence was going on, the enemy had been busy and successful in their work of devastation.

October 10, Fort Ann was invested by the British, under major Carleton, and its garrison surrendered; on the 13th Fort George capitulated;<sup>1</sup> and after destroying almost all the farm-houses and barns in Kings and Queensborough townships, "they returned to Ticonderoga, in the vicinity of which place they continued until the 22d, and then fell down the lake [Champlain] to about ten miles north of Crown Point. On Wednesday the 25th, the whole embarked in their batteaux, and proceeded towards St. Johns, but were soon met by an express-boat which brought them all back. On the evening of that day a reinforcement arrived—between five and six hundred."<sup>2</sup>

This report was treated by gen. Schuyler as evidence of a *second* invasion in greater force; and it occasioned great alarm, in both New York and Vermont. Ethan Allen and other Vermont officers seem to have had the same apprehensions as Schuyler, and hastened to warn the Vermont authorities. Carleton returned on the 25th, according to Schuyler, but he had been lingering for three days near Crown Point and opposite the Vermont scouting-ground, so that Allen had reason for anticipating mischief to *Vermont*, even if he did not hear of Carleton's return on the 25th in time to write to gov. Chittenden. Some of Allen's letters were undoubtedly written on the *first* advance of Carleton, but the last letter may have been as late as the 24th, when Carleton was near Crown Point.

IN GENERAL ASSEMBLY: October 23, sundry letters from gen. Allen, dated headquarters, Castleton, 22d October, 1780, were read.<sup>3</sup>

IN GENERAL ASSEMBLY: October 26, 1780. Sundry letters from general Allen, col. Herrick, and capt. Sawyer were read, giving an account of the enemy's approaching toward our frontiers: therefore *Resolved*, that as the present alarm requires the assistance of a large number of the members for the purpose of joining the army or taking care of their families, which are in immediate

<sup>1</sup> *Early History*, 320.

<sup>2</sup> Schuyler, at Saratoga, October 31, to Washington. — *Washington Letters*, in State Department, Vol. XLIII, 129.

<sup>3</sup> *Assembly Journals*, 1778–1784, 140.

danger, that this assembly be adjourned until Monday next [30th] and that the several members who stay at this place [Bennington] are hereby appointed a committee to join a committee from the council, when necessary to prepare business to lay before this house at their opening; and all matters that are referred for hearing this week are referred until the opening of the assembly. Adjourned till next Monday morning, 10 o'clock in the forenoon.

Monday, October 30th, 1780: Met according to adjournment, and there not being a quorum of the house present, adjourned until 2 o'clock, afternoon. Met according to adjournment, and there not being a quorum of the house present, adjourned until to-morrow morning, 8 o'clock.

Tuesday, October 31st, 1780: Met according to adjournment. Several letters were laid before the assembly by the governor, particularly one from gen<sup>l</sup>. Haldimand of Canada, dated at Quebec, October 22d, 1780, directed to gov. Chittenden;<sup>1</sup> one from maj<sup>r</sup>. Chs. Carleton, commanding a party of the British, &c., dated at Crown Point, October 26th, 1780, directed to gen<sup>l</sup>. Allen, both of which contained proposals to settle a cartel for exchanging prisoners; likewise a copy of a letter from gen<sup>l</sup>. Allen directed to col. Webster, dated Castleton, 29th October, 1780; a copy of a letter from gen<sup>l</sup>. Allen to maj<sup>r</sup>. Allen, [Carleton,] and a copy of a letter from gen<sup>l</sup>. Allen to maj<sup>r</sup>. [Ebenezer] Allen, were read. Likewise the governor informed the house that he had wrote to gen<sup>l</sup>. Haldimand by advice of his council,<sup>2</sup> *making proposals to exchange prisoners*, which occasioned the letters from gen<sup>l</sup>. Haldimand and maj<sup>r</sup>. Carleton, &c.

Thereupon *Resolved*, that this assembly do approve of the captain-general and commander-in-chief's making proposals to his excellency, gov<sup>r</sup>. Haldimand, for settling a cartel for the exchange of prisoners, and further advize and commend to him to appoint and empower some suitable person or persons to further negotiate the settlement of a cartel with maj<sup>r</sup>. Carleton, agreeable to gen<sup>l</sup>. Haldimand's proposals for that purpose.

*Resolved*, That the captain-general be and hereby is requested to discharge the militia and volunteers raised for the defense of the northern frontiers.<sup>3</sup>

<sup>1</sup> Undoubtedly brought by the express-boat, which came on the 25th, and Carleton's return must have been in consequence of orders then received, and for the purpose of tendering the armistice to Vermont.

<sup>2</sup> There is no record of any action by the council on this subject, in either July or September. It is most probable that gov. Chittenden took advice of councillors privately and without a formal session. Several councillors were not informed of the subsequent negotiations.

<sup>3</sup> *Assembly Journal*, 1778-1784, 143, 144.

As these letters announced a cessation of hostilities towards Vermont, and *the request of Allen to Carleton to include New York also*, the house seemed to think it unnecessary to keep the militia in the field, whose return to their families would be a great relief to them as well as to the treasury of the state. On the same day the above resolutions were received by the governor and council, and were recorded. Ira Allen was then a member of the council, and his statement was that, after some altercation, Carleton admitted Ethan Allen's proposition, and "a truce was settled, including the frontiers of the state of New York to Hudson's river. *This stipulation [i. e. as to New York] was not publicly known*: the militia of Vermont were immediately disbanded, and permitted to return home."<sup>1</sup>

The letters relating to the truce and cartel, communicated to the general assembly by gov. Chittenden on the 31st, were all copied into the *Sterens Papers*, except the first, Chittenden to Haldimand, of which only a note is found, made by B. H. Hall, with the following:

*General Haldimand to Governor Chittenden.*

QUEBEC, October 22, 1780.

"If you will send a proper person with full power to major Carleton at Crown Point, or St. Johns, to confer upon this business, I shall authorize the major to receive him:" but expressed an unwillingness to comply with the request [of gov. Chittenden for an exchange of prisoners] under the circumstances.

*Major Carleton to General Ethan Allen.*

CROWN POINT, October 26, 1780.

*Sir*:—By the bearer, capt. Sherwood, I received general Haldimand's letter to governor Chittenden, on the subject of an exchange of prisoners. I have authorized captain Sherwood to treat with the governor and you on the subject; though could I meet with you, or him, or both, perhaps the business would be sooner concluded, as, should any difficulty arise between captain Sherwood and you, my instructions are so ample that I flatter myself that I could remove them.

During the continuation of this negotiation, no attacks or insults shall be offered to any post or scout belonging to your state or in your boundaries. I expect you will observe the same, and recall,

<sup>1</sup> *Vt. Hist. Coll.*, Vol. 1, 415, 416.



as far as lies in your power, your scouts, to prevent this [through] inadvertency on either part the appearance even of not adhering to the above.

I am, sir, your most obt. servt.,  
*Brigadier Gen. Allen.*<sup>1</sup>

CHAS. CARLETON.

*General Ethan Allen to Major Carleton.*<sup>2</sup>

HEAD QUARTERS, Castleton, 27th [29th<sup>3</sup>] October, 1780.

*Sir*:—I received your letter to me, with general Haldimand's to gov. Chittenden, last evening, by capt. Sherwood.

Every respect will be shown your flag, and no hostilities will be permitted on my part: and it is expected you will extend your cessation of hostilities against any of the northern posts of the frontiers of the state of New York during this negotiation.

Special orders are given to prevent all hostilities until I receive your answer to this.

Major Clark is appointed to deliver this to you by a flag, and wait your answer.

Your most obedient servant, ETHAN ALLEN.

P. S. Your letter, with general Haldimand's, I have forwarded express to governor Chittenden, and make no doubt some proper person will be appointed to settle the cartel as soon as possible.

*To Chas. Carleton.*

E. A.

*General Ethan Allen to Colonel Webster.*

HEAD QUARTERS, Castleton, 29 October, 1780.<sup>3</sup>

*Sir*:—Last evening I received a flag from major Carleton, commanding the British troops at Crown Point, with proposals from general Haldimand, commander-in-chief in Canada, for settling a cartel for the exchange of prisoners. Major Carleton has pledged his faith that no hostilities shall be committed on any posts or scouts within the limits of this state during the negotiation. Lest your state [New York] should suffer an incursion in the interim of time, I have *this day* dispatched a flag to major Carleton, requesting that he extend cessation of hostilities on the northern parts and frontiers of New York. You will, therefore, conduct your affairs as to scouts, &c., only on the defensive until you hear further from me.

I am, &c., ETHAN ALLEN.

*To Col. Webster.* To be communicated to Col. Williams and the posts on your frontiers.<sup>4</sup>

<sup>1</sup> *Ethan Allen Papers*, 331. <sup>2</sup> *Same*, 333.

<sup>3</sup> Allen's letters to Carleton and Webster were evidently of the same date.

<sup>4</sup> *Ethan Allen Papers*, 335.

*General Ethan Allen to Colonel Webster.*

RUPERT, about break of day }  
 of the 31st October, 1780. }

*Sir*:—Maj. Ebenezer Allen, who commands at Pittsford, has sent an express after me to this place, informing me that one of his scouts, at 1 or 2 o'clock P. M. on the 29th inst., from Chimney Point discovered four or five ships and gun-boats and batteaux, the lake covered and black, all making sail to Ticonderoga, skiffs flying to and from the vessels to the batteaux giving orders; and the foregoing is quoted from the letter verbatim. But I cannot imagine that major Carleton will violate his truce. I have sent major Clark with a flag to major Carleton, particularly *to confirm the truce on my part*, and have given him to understand that *no hostilities will be permitted on my part*, and likewise to intercede in behalf of the frontiers of New York. What the motive of the British may be, or their design, I know not. You must judge for yourself. I send out scouts to further discover the conduct of the enemy. Maj. [Ebenezer] Allen thinks they have a design against your state.

From your humble servant,

ETHAN ALLEN.

Ira Allen stated that Ethan Allen "agreed to the truce on condition that the frontiers of New York should be included," &c.<sup>1</sup> The italicised words of Ethan Allen, above, probably mean that the truce had been agreed upon by both parties on Allen's condition, and that he would permit no hostilities against the New York frontier. He had, therefore, sent a second flag, "to confirm the truce" on his part and insist upon the inclusion of New York. This interpretation agrees with Ira Allen's statement that "this additional territory produced some altercation."

*Major Ebenezer Allen to Colonel Webster.*

FORT WARNER, October 30th, 1780. }  
 7 o'clock P. M. }

By certain intelligence received by lieut. Cox, of my detachment, (who returned this day at one o'clock), at Fort Vengeance, from a scout, he informs me that yesterday at 2 o'clock P. M., he saw five ships, some gondolas, a great number of batteaux, so that the lake looked black, all sailing to the southward. He saw them from their march at Crown Point sail some miles. A great number of fires down at Putnam's point was burning. These are

<sup>1</sup> *Vt. Hist. Coll.*, Vol. 1, 415.

to notify you to give a good look out, for I believe that they intend to make a forced march on the New York frontiers.

I am, &c., EBR. ALLEN, *Major Commanding*.

N. B. General [Ethan] Allen is on his way home. I am afraid the enemy has out-generaled him.<sup>1</sup>

Ethan Allen was "on his way home" on the 30th of October; on the 31st he was at Rupert; and the following official record indicates both that he must have reported at Bennington on the 1st of November, and that THE TRUCE, PROPOSED BY THE BRITISH TO VERMONT, had been agreed to by Allen and Carleton, as it was on that day confirmed by the governor and council of Vermont.

1780. IN COUNCIL: His excellency, the governor, requested November 1. the opinion of the council with respect to appointing some proper persons, and authorizing them to treat with *major Carleton*, for the purpose of settling a cartel for the exchange of prisoners: Whereupon,

*Resolved*, To appoint two persons with full powers to settle a cartel with maj. Carleton for the purpose aforesaid.

*Resolved*, That the hon. Ira Allen and Joseph Fay, esquires, be and they are hereby appointed and empowered to repair forthwith to Crown Point or St. Johns and enter upon the establishment of a cartel for the exchange of prisoners.<sup>2</sup>

The scouts reported Carleton as sailing from Crown Point to Ticonderoga on the 29th of October. That was the day on which Ethan Allen sent his flag with the overture for the protection of New York. This demonstration of force was therefore made by Carleton while the proposition for a truce was yet pending; and it was, in that view, a demonstration against Vermont. But in connection with the reports of a truce with Vermont and the disbanding of her militia, the intelligence produced a panic in New York, and grave suspicions as to the fidelity of Vermont to the common cause. Nor were these fears and suspicions confined to New York alone, but were entertained in eastern Vermont as well.

<sup>1</sup> These letters to Webster were all sent to gen. Schuyler, and by him to gen. Washington.—*Wash. Letters*, State Dept., Vol. XLIII, 129.

<sup>2</sup> *Journals of Council*, 1776 to 1780, 328.

*Joseph Marsh, ch., to General Washington.*

DRESDEN,<sup>1</sup> on N. H. Grants, Nov. 3d, 1780.

*May it please your Excellency :*

We have this moment received a paper attested by capt. Safford, of which the enclosed is a copy, its contents to us unintelligible and alarming. We know not what construction to put upon it unless a negotiation is on foot for a separate peace for the new state, which we have heard has been threatened if Congress should not acknowledge the independence of Vermont, and admit them to union. Under these apprehensions we send the enclosed to your excellency, as the consequences of such negotiations may be speedily fatal to the settlements contiguous to Connecticut river, and more dangerous to the United States than the late treachery at West Point. The enemy, in number 300, destroyed Royalton and part of Sharon in this vicinity about a fortnight ago, and took 30 prisoners. Scouts lately returned from Onion river discovered last week about 1000 of the enemy near the confluence, whose object is supposed to be Coos or this place. Our situation at least, is critical, and we are in danger of being totally destroyed soon, unless assistance is granted for our defense. Our apprehensions respecting the enclosed may be groundless, but our fears are great. I write this in behalf of the general committee on the Grants contiguous to Connecticut river, and have the honor to be with highest sentiments of duty and esteem your excellency's

Most obt. and most humble servant,

JOSEPH MARSH, *Chairman.*<sup>2</sup>

<sup>1</sup>Supposed to be a part of Hanover, N. H., adjoining if not embracing what is now West Lebanon. Mr. Marsh's residence was in the Vermont town which adjoins this supposed district. Dresden was represented by Bezaleel Woodward in the Vermont legislature, October session, 1778, and Hanover by Jonathan Freeman. Dresden had a printing-office in 1777.—See *Vermont Historical Collections*, Vol. I, 69.

<sup>2</sup>This committee acted for towns on both sides of the Connecticut river; probably, at this time of special alarm, as a "Committee of Safety," but possibly also in reference to the conflicting projects of jurisdiction, which were zealously discussed in that region in October, November, and December, 1780, and down to February 14, 1781, when Vermont decided to extend her jurisdiction eastward to the Mason line in New Hampshire, and westward to Hudson river. Mr. Marsh was a resident of Hartford, and had been from 1772; was elected delegate to the provincial assembly of New York in 1775, but served only a short time; was a member of the convention which adopted the Constitution of Vermont, and lieutenant governor in 1778, and from 1787 to 1790.

## [ENCLOSURE.]

*Extract of a letter from Major [Ebenezer] Allen, dated  
FORT VENGEANCE, October 30, 1780.*

To Capt. JESSE SAFFORD, supposed at Bethel Fort.

*Dear Captain* :—I received a letter from gen. Allen last evening informing that the evening before he received a flag from the British troops at Crown Point, with letters of importance from the commander-in-chief at Quebec. Major Carleton hath pledged his faith that all hostilities on his part shall cease during the negotiation, and he expects the same on our part. You are, therefore, carefully to observe the rules of war and give strict orders to your scouts and troops to govern themselves accordingly. A copy of this letter you will forward to the troops stationed on your side of the mountain. If the spirit of this letter were made known to the inhabitants on your side of the mountain it would be well.

I am, dear sir, your humble servant, EBENEZER ALLEN.

The above is a true copy from an extract attested by the above named Jesse Safford, commanding a party of men raised by the new state and stationed at Bethel on White river, taken by desire of the general committee on the New Hampshire Grants contiguous to Connecticut river.

Attest, BEZA. WOODWARD.<sup>1</sup>

Several documents have already been cited, which prove the panic on the New York frontier and extending to Albany, at this time, and of the fears and doubts as to Vermont; but there are others to the same effect.

Col. Webster, in communicating Ethan Allen's letter of October 31, unwittingly attested the great dependence of New York upon Vermont for protection.

*Colonel Webster to General Schuyler.*—[Extract.]

"I am persuaded our situation is truly dangerous. I expect to hear by some of my scouts any moment that the enemy is at hand, and if we are obliged to leave this place [Granville] the inhabitants will move off, and there is no telling where it will end. *I make no doubt but at first sight it will appear that the Grants have left us to ourselves, either to stand or fall.* I hope the most speedy exertions will be made to oppose the enemy."<sup>2</sup>

<sup>1</sup> *Wash. Letters*, State Dept., Vol. XLIV, 31. <sup>2</sup> *Same*, Vol. XLHI, 129.

*General Schuyler to General Washington.*—[Extracts.]

October 31. "Sending a flag to Vermont for the purpose of exchanging prisoners appears to me only a cover to some design of the enemy, and gives me much uneasiness, especially as rumors prevail that *the person*, whom your excellency was informed to have been in New York in July last negotiating with the enemy, has been in New York, but I cannot learn that any one can positively ascertain either of these facts." "P. S.—I am this moment [November 1] informed that *the person* I have alluded to in this letter has been to Canada, about six weeks ago, but the information is not such as I can depend upon."<sup>1</sup>

*General Washington to General Schuyler.*—[Extract.]

Nov. 6. "I confess all circumstances and previous information considered, that matters *in a certain quarter carry a very suspicious face*. Should it appear, upon a further investigation, that there are good grounds for present suspicions, you will concert measures with brigadier-general Clinton (to whom I have written on the subject, without mentioning names,) to seize and secure, with as much secrecy and as suddenly as possible, *the person in question* with his papers. You know how very delicate a business this is, and I therefore trust to your prudence in the execution of it."<sup>2</sup>

*General Schuyler to General Washington.*—[Extracts.]

November 12, 1780. "I have had several emissaries on the Grants. Since my last letters they have all returned, but without that full information which I expected." Of *the suspected person* he writes: "On the day the British flag arrived, he was heard to say—'*the time is at length come that we shall be freed from the domination of New Yorkers.*'"<sup>3</sup> This can be ascertained. My

<sup>1</sup> *Washington Letters*, in State Department, Vol. XLIII. 129.

<sup>2</sup> *Life and Writings*, Vol. VII. 283.

<sup>3</sup> This almost absolutely indicates that ETHAN ALLEN was "the suspected person." The flag was sent to him, and it is not known, nor is it probable, that on that day any leading man of Vermont was at Castleton except Allen, the legislature then being in session at Bennington. Ethan Allen *had been* tempted by the British before :

Mr. Sparks, *American Biography*, Vol. I. 319, said : "While he was on parole in New York, [December, 1776,] a British officer of rank and importance sent for him to his lodgings and told him that his fidelity, though in a wrong cause, had made an impression upon general Howe, who was disposed to show him a favor, and to advance him to the command of a

agents say that it is generally believed large offers have been made the people of the Grants, *but that nothing will induce the bulk of the people to desert from the common cause* ; that the flag returned [to Carleton] on Thursday, [November 9,] accompanied by a deputation of three members from the Vermont assembly ;'

regiment of loyalists, if he would join the service, holding out to him at the same time brilliant prospects of promotion and money during the war, and large tracts of land at its close. Allen replied, "that if by faithfulness he had recommended himself to general Howe, he should be loth by unfaithfulness to lose the general's good opinion ;" and as to the lands, he was by no means satisfied, that the king would possess a sufficient quantity in the United States at the end of the war to redeem any pledges on that score. The officer sent him away as an incorrigible and hopeless subject."

Benedict Arnold had betrayed his trust two days previous to Carleton's invasion. The same Beverly Robinson, who had tempted Allen in the preceding July, was a British agent in Arnold's treason ; and although Robinson's letters to Allen were not sent to congress till March, 1781, it is not unreasonable to suppose that Allen had confidentially so spoken of the matter as that Washington should be apprized of it. It is certain that, in the summer of 1780, suspicions were entertained in Vermont, and were communicated to gov. Clinton, that negotiations were going on by Vermonters with the British in Canada, — see *Eastern Vermont*, 380, 381, — and it is also certain that, in July previous, gov. Chittenden had declared that Vermont was "at liberty to offer, or accept, terms of cessation of hostilities with Great Britain," and that this declaration was read in congress on the 12th of September. Putting this declaration with Arnold's treachery on the 28th of September and Allen's truce on the 29th of October, it is not unreasonable to suppose that Washington's and Schuyler's suspicions pointed specially to Allen.

Washington believed the invasion of Carleton had been made in the expectation that Arnold's treason had succeeded, [*Life and Writings*, vol. vii, 269 :] so finding that Carleton had spared Vermont, he might suspect that Allen was an accomplice. Had Arnold's plot succeeded, sir Henry Clinton would have held Hudson river to Albany ; and had Allen been a traitor, he would have aided Haldimand to join his army to sir Henry's. As Allen at that time did not conceal from New York officers the facts of a truce and negotiations with the British for an exchange of prisoners, so in March, 1781, his letter to congress communicated the proffers of Robinson, and a frank avowal of *the right* of Vermont to make terms with Great Britain, in self defense, against New York, New Hampshire, and congress. It was not the policy of Vermont to allay these suspicions of her fidelity to the common cause, but rather to use them for her own special advantage, without harm to the country.

<sup>1</sup> Probably the two commissioners to negotiate a cartel, appointed by the governor and council.

that the people are in a great ferment; that capital charges were exhibited against Allen; that he was cited to appear before the assembly; that when the charges were read he behaved with the utmost impropriety, drawing his sword and threatening to cut off some of their heads if they did not immediately desist; that the command of the militia was taken from him." "That a *certain person* is engaged in the enemy's interests I make little doubt of, but I do not think it either prudent or politic that he should be seized at present; a little time will probably furnish us with sufficient testimony for a conviction."

*Stephen Lush to governor Clinton.*—[Extracts.]<sup>1</sup>

ALBANY, November 7. The enemy are still at Ticonderoga, nor can we hear that they manifest an intention of continuing down lower into the country. \* \* The curses of the multitude will fall upon the heads of those who have drawn out the poor militia men from their homes at this season of the year upon the authority of accounts received from one Ebenezer Allen, whom nobody knows. The defection of gen. Allen (so called) will probably be alleged as the reason. \* \* The council of the new state, as they term themselves, are now trying Allen upon an impeachment containing eleven articles; whether they are in jest or earnest it is impossible for us to determine.

*Governor Clinton to Stephen Lush.*—[Extract.]

November 9. If Allen is guilty of unwarrantable practices with the enemy, he is not alone. The present trial I have no confidence in. It may be calculated to save appearances, and that is most likely.

The information given by Schuyler, of the ferment among the people of Vermont and accusations against and trial of Allen, were not unfounded, though not entirely accurate, as will appear from the following record:

*Proceedings of the General Assembly of Vermont, November 3 to November 7, 1780.*<sup>2</sup>

FRIDAY, November 3, 1780, — AFTERNOON.

*A remonstrance signed William Hutchins was handed to the Speaker, and Ordered,*

That the consideration and hearing of said remonstrance be referred until to-morrow morning 9 o'clock, and that gen. Allen be served with a copy of said remonstrance and this resolve.

<sup>1</sup> *Clinton Papers*, 3352.

<sup>2</sup> *Assembly Journals*, 1778-1784, 150-176. *Early History*, 324.



SATURDAY, November 4, 1780, — MORNING.

The remonstrance of capt. Hutchins which was referred to this day was read, and, after some debate, was dismissed; after which gen. Allen made a speech in the house to the assembly in which he observed there was uneasiness among some of the people upon account of his command, &c., and that he would resign his commission, and if the assembly thought best to give him the command at any time, he would endeavor to serve the state according to his abilities, &c.

AFTERNOON.

*Resolved*, That this assembly will take the matter of remonstrance signed Simeon Hathaway and others into consideration at some convenient time.

*Ordered*, that the consideration of the remonstrance signed "Simeon Hathaway, for himself and others," be postponed until 2 o'clock in the afternoon of Monday next.

*Resolved*, That the resolution passed for dismissing the remonstrance signed by capt. Wm. Hutchins, be and is hereby reconsidered, and therefore,

*Ordered*, That said remonstrance be taken into consideration on Monday next 2 o'clock afternoon.

MONDAY, November 6, 1780. — AFTERNOON.

The remonstrance by capt. Hutchins, and the remonstrance signed by "Simeon Hathaway for himself and others," which were referred to this day, were taken under consideration, and capt. Hutchins's remonstrance was read and the other ordered to be read, and while reading gen. Allen rose up and said he would not hear no more of it, as it was beneath his character to sit there and hear such false and ignominious aspersions against him, &c., and went out of the house. After some debate, a member of the house was desired to notify him that the assembly would proceed to take the matter of capt. Hutchins's remonstrance into consideration, and would hear the parties, &c. Gen. Allen accordingly attended and requested to know of the house whether they would proceed to hear the remonstrance of Mr. Hathaway, and if they did he would not attend to neither, and being answered that they both would be taken into consideration, he went out of the house; — and, after some debate, and taking the evidence of Joseph Fay and Stephen R. Bradley, Esqs., the matter was postponed until to-morrow morning.

TUESDAY, November 7. — MORNING.

The remonstrance signed Simeon Hathaway, which was referred to this day, was read, and after some debate was referred until afternoon 2 o'clock.

## AFTERNOON.

The remonstrance signed Simeon Hathaway, which was referred until this afternoon, was taken under consideration, and after some debate,

*Resolved*, That the remonstrance signed "Simeon Hathaway for himself and others," be dismissed by reason of the undue form thereof.

*Resolved*, That capt. Wm. Hutchins have liberty to withdraw his remonstrance against gen. Allen.

*Resolved*, That a committee of two be appointed to return the thanks of this house to gen. Allen for the good services he has done this state since his appointment of brigadier-general; — and that this house do accept of his resignation as brigadier-general, according to his offer made to this house on Saturday last. The members chosen were Mr. S. Robinson and Mr. Jones.<sup>1</sup>

While the general assembly of Vermont was hearing the charges against gen. Allen, the panic still continued in New York, on reports that the British were invading that state through lake George. November 3, gen. Schuyler issued a circular to the New York militia to rally at once for the defense of the state, and assured them that *the people of the Grants were marching to their assistance*, but he feared they would be too late;<sup>2</sup> and maj. gen. Heath wrote, Nov. 7, *that Allen, with eight hundred men, was expected from the Grants*. This hardly accords with the concurrent suspicion of Allen. But these reports were incidents of a causeless panic, and the distrust of Allen and of Vermont was founded on the idea that Allen had protected Vermont by a truce, and left New York to resist Carleton alone. In fact, Carleton did not renew the invasion, but retired, in accordance with the truce, much to the relief of New York.

*General James Clinton to Governor Clinton.*<sup>3</sup>

ALBANY, November 12, 1780. The shipping have gone down the lake except one schooner — only four hundred men — encamped ten miles below Crown Point.

<sup>1</sup> April 12, 1781. IN GENERAL ASSEMBLY: Gen. Ethan Allen chosen brigadier-general of 1st brigade of militia.

June 20, 1781. Samuel Safford chosen brigadier-general in the room of gen. Allen, who declined accepting the former appointment.

<sup>2</sup> *Wash. Letters*, State Dept.. Vol. XLIII, 163.

<sup>3</sup> *Clinton Papers*, No. 3362.

The conduct of the people of the Grants appears suspicious. They have appointed a commissioner to confer with a flag from Carleton — the object is uncertain — the ostensible one a cartel. Very heavy charges have been thrown into the assembly against gen. Allen, who, report says, is dismissed from his command. This, probably, will render him more desperate."

Further evidence of uneasiness existing in eastern Vermont is found in the following letter from a prominent and influential citizen residing on the north-eastern frontier of the state :

*General Jacob Bayley to President Weare of New Hampshire.*<sup>1</sup>

NEWBURY, 22d November, 1780.

*Sir* : — The season is such that the enemy is not likely to do any more mischief at present. We thought the soldiers had better be discharged, and I suppose maj. Whitecomb's soldiers will be furloughed ; therefore you need no issuing commissions here, but I should think if maj. Childs or any other man should continue purchasing, (which I should think advisable,) that col. Charles Johnson should be appointed to receive. It will be doubtless necessary that at least two hundred men is [be] sent here as soon as the first of February, as then the snow and ice will be hard and fit for snow-shoeing.

I understand general Allen has made peace for Vermont till that time ; but as we don't own that state, we shall be their only butt. If the United States, and your in particular, do not take notice of such treasonable conduct, we had better let this cause drop. If you had the jurisdiction of the whole Grants, which I am sure you could if you only desire it, the country would be safe ; but if you split at the [Connecticut] river, you keep all in confusion, and must still defend for your own safety and reap no benefit, neither by tax [upon the people of Vermont] nor by vacant [Vermont] lands which is very considerable. While the matter hangs in a suspense, the enemy may take possession, (they claim it by the Quebec bill, as well as part of your state ;) then where is your state ? For my part I am determined to fight for New Hampshire and the United States as long as I am alive and have one copper in my hand ; but if our exertions are not greater

<sup>1</sup> *Ethan Allen Papers*, 341. Jacob Bayley had held a commission as brigadier-general of militia under the authority of New York, and was a civil officer on like authority, till 1777 ; when he, with the people of his vicinity, recognized and joined the then new state government. This letter shows that, at its date, he was of the party which then favored the absorption of Vermont by New Hampshire.

and more effectual, another year will end the dispute, [and] not in our favor.

The United States suffer themselves to be attacked, front, and rear, and on the flanks. Did Burgoyne get clear when that was the case with him? Our chariot is in the mire. Praying to Hercules or France, without putting to the shoulder with all our might, will not do. This frontier is the only one for five hundred miles west remaining. It is near the enemy. It is of great importance to you, as well as the other New England states and the cause in general. Shall we forever be on the defensive, and yet not able to defend ourselves, as it is impossible we should while Canada is in the hands of the enemy. Shall we not make an attempt on Canada—that harbor for spoils, thieves, and robbers. I must confess, the cause is sinking so fast in my view, I am willing (as I see no other remedy) to make the attempt, if I run ten chances to one to die in the attempt.

Sir, I hope you will excuse my freedom, and give me leave to subscribe myself your honor's

Most obedient humble servant,

JACOB BAILY.<sup>1</sup>

*Hon'bl. Meshech Weare.*

H.—*Governor Chittenden to Governor Clinton.*

STATE OF VERMONT, }  
IN COUNCIL, ARLINGTON, November 22d, 1780. }

*Sir*:—Inclosed I transmit your excellency a copy of my letter to congress of the 25th of July last, and a full examination of the controversy between the state of New York and this state, and duly considering the present peculiar circumstances of both states, I am induced to make a positive demand on the legislature of the state over which you preside, to give up and fully relinquish their claims of jurisdiction over this state, and also propose to them to join in a solid union with their state for mutual defense against the British forces which invade the American states, particularly such parts as make incursions on the frontiers of the two states from the Province of Quebec. Such a union for the reciprocal advantages of both governments, I am willing to ratify and confirm on the part of this state.

<sup>1</sup>Thus in the copy, but usually printed BAYLEY. About this time Bayley wrote to general Washington, referring to Allen's flag to the British, and saying there were "six or eight rascals in Vermont."—*Index to Stevens Papers*, 15.

Colonel Ira Allen, who delivers this, waits your answer to these proposals.

In behalf of the council and general assembly,

I have the honor to be, &c., THOS. CHITTENDEN.

*His Excellency*, GEORGE CLINTON, ESQ.,

*Governor, &c., &c., of the State of New York.*

To be communicated to the legislature thereof.<sup>1</sup>

*James Duane (New York delegate in congress) to Governor Clinton. — [Extract.]*<sup>2</sup>

November 29. "Our Vermont business remains quiet, but is not forgotten. I foresee there must be a rehearing, as there is a

<sup>1</sup>This demand was made in pursuance of gov. Chittenden's notice to congress, July 25, 1780, that if that body declined to admit Vermont into the Union, "this state will propose the same to the legislatures of the United States, *separately*, and take such other measures as self-preservation may justify." (*State Papers*, 122.) That was the letter enclosed to gov. Clinton. The governor and council had been authorized by the general assembly on the 8th of November, as appears by the *Journals of the Council*, 1776-1780, 342 :

IN COUNCIL, Thursday, November 9, 1780.

The following resolution received from the house and ordered to be recorded, viz.:

*In General Assembly*, November 8, 1780.

"*Resolved*, That the governor and council be and they are hereby requested and authorized to appoint proper persons to negotiate for this state, at congress and the other states, for the purpose of procuring assistance towards the defense of the frontiers, and any other matters that shall be necessary for the benefit of this state.

Extract from the journals.

ROSWELL HOPKINS, *Clerk.*"

Gov. Chittenden's letter was sent to the assembly of New York, February 5, by gov. Clinton ; February 21, the senate resolved, with but one dissenting vote, to appoint commissioners to settle the terms on which New York would cede her jurisdiction to Vermont ; February 27, the house of representatives proceeded to consider the resolutions of the senate, but were prevented by a threat of the governor to *prorogue* the general assembly. Gen. Schuyler was the author of the proposition for conceding the independence of Vermont, and on the 12th of March was appointed chairman of a special committee of the senate, charged with framing an address to the governor on the subject of his "threatening letter," but the matter was dropped, for the reason that, in consequence of Vermont's encroachments upon the territory of both New Hampshire and New York, it was believed that congress would decide the controversy in favor of New York.—*Early History*, 329-336.

<sup>2</sup> *Clinton Papers*, No. 3393.

considerable change in the house, not for the worse, nor will the late conduct of those distracted people — if it is true that they have made a truce with the enemy — gain them favor. I shall do my duty at every event.”

*Ethan Allen to General John Stark.*<sup>1</sup>

SUNDERLAND, 7th December, 1780.

December. *Sir*: — Your letter to gov Chittenden and me are continued marks of friendship to Vermont and demand my grateful acknowledgements. I perceive from intelligence collected every way corroborating your letter, that the transactions of this state in making a truce with the British and bringing forward a cartel for the exchange of prisoners, has considerably engrossed the attention of the public. Our general assembly will sit the [first] Wednesday of February next. Soon after, I expect a manifesto will be published, in which will be exhibited many things which the public are anxious to know. Till that time people must be content with such conjectures as best suits. I am at a loss to form an idea what the United States would have Vermont to do.

*General John Stark.*

ETHAN ALLEN.

H.—*Governor Chittenden to Governor Trumbull of Connecticut.*

STATE OF VERMONT,

IN COUNCIL, Arlington, 12th December, 1780. }

*Sir*: — Enclosed I transmit your excellency a copy of my letter to congress of the 25th of July last, which, together with this, I request may be laid before the legislature of the state over whom you preside for their perusal and consideration, as it is the only method that Vermont has at present in her power of soliciting a union with the United States to propose it to their several legislatures separately, and as I have not received any answer from congress to my proposal of union in my said letter to them, nor to sending other similar offers from this government with additional proffers to that honorable body to bear a just proportion of the expense of the present war with Great Britain, it does not appear that congress have determined to admit this state into union. The arguments and representations exhibited in my said letter to congress are equally applicable for the consideration of the several legislatures of the United States. This being premised, I proceed to propose an alliance and permanent confederation between the states of Connecticut and Vermont against the

<sup>1</sup> *Ethan Allen Papers*, 343. The letters of general Stark, to which this was a response, are not in the memoir and official correspondence of Stark.

hostile attempt of British power, on such conditions as may be agreed upon for the mutual advantage and security of the liberty and independence of the two states respectively. Similar proposals are made to the legislature of Rhode Island and Providence Plantations by this government, and also a demand on the legislatures of the states of New York, New Hampshire, and Massachusetts Bay, to relinquish their claims of jurisdiction to Vermont, with proposals to unite with them in a like union.

The citizens of this state are of opinion that it is owing to the undue influence which those contiguous claiming states (to this territory,) have in congress that Vermont has hitherto been prevented from a union with the United States. This they consider the greatest injustice and ingratitude, as they have ever since the commencement of the present war been a frontier, in part, to every one of them, and in such circumstances have nothing better to expect from them at the conclusion of this war, than to be obliged to wage another war with them to protect their liberties against their exorbitant claims, or fall a prey to them, notwithstanding such a series of sufferings and beneficial service done to the United States in general, and to them in particular, in the course of this war. And although these considerations, abstracted from all others, are sufficiently discouraging, yet additional evils arise when we consider the force of the enemy in Canada; the probability of their being reinforced between this and the conclusion of the next campaign, together with their advantages of the navigation of the lakes, by which means they can suddenly bring their whole force into this state, which cannot fail to be their object next campaign, unless some measures be immediately adopted to prevent it, as the frontier settlements of the state of New York are already destroyed. In a word, their force will be so great that it will be out of the power of this state to form magazines and support a body of troops sufficient to withstand them, and the consequence must inevitably be either that the inhabitants of this state be sacrificed; or 2dly, they must be obliged to retire into the interior parts of the United States for safety: or 3rdly, be under the disagreeable necessity of making the best terms with the British that may be in their power. Nearly the same would be the condition of either of the United States separately considered from their union, (as they would be unable to withstand the British power,) which may abundantly serve to evince that it is out of the power of Vermont to be further serviceable to them, unless they are admitted into the union.

I am, your excellency's most obedient,

and most humble servant, THOS. CHITTENDEN.

Copy attest,

THOS. TOLMAN, *P. Sec'ty.*

*His Excellency Governor Turnbull [Trumbull.]*

Indorsed: ("No. 5.)—Copy of letter from governor Chittenden to governor Turnbull, [Trumbull,] dated Arlington, 12th December, 1780."

H.—*Governor Chittenden to Governor Hancock of Massachusetts.*

STATE OF VERMONT,  
IN COUNCIL, Arlington, 12th December, 1780. }

*Sir*:—Enclosed I transmit your excellency a copy of my letter to congress of 25th July last, which, together with this, I request may be laid before the legislature of the state, over whom you preside, for their perusal and consideration.

The arguments and representations therein exhibited are equally applicable for the consideration of the several legislatures of the United States separately.

Many and great are the evils which Vermont labor under. Congress claiming a jurisdiction over them; three of the United States claiming their territory, in whole, or in part, and Vermont at the same time a frontier in part to those very states, and exposed to British invasion from Canada, who being possessed of the lakes can suddenly bring their whole force into this state, which, beyond hesitation, will be their object next campaign, unless some immediate measures be adopted to prevent it, as they have already destroyed the frontier settlements of the state of New York. In a word, their force will undoubtedly be so great that it will be out of the power of the state to form magazines and to support a body of troops sufficient to withstand them, and the consequence must inevitably be, either that the people of this state be sacrificed; or, 2dly, be obliged to retire into the interior parts of the United States for safety; or 3dly, be under the disagreeable necessity of making the best terms with the British that may be in their power; nearly the same would be the condition of either of the United States separately considered from their union (as they would be unable to withstand the British power,) which may abundantly serve to evince that it is out of the power of Vermont to be further serviceable to them, unless they are admitted into union.

This state are of opinion that it is highly time she had better assurances from the several states now in union, whether, at the conclusion of the present war, she may without molestation enjoy her independence, or whether she is only struggling in a bloody war to establish neighboring states in their independence to overthrow or swallow up her own and deprive her citizens of their landed estates. I do, therefore, in behalf of this state, demand your legislature that they relinquish their pretensions of a claim to jurisdiction over any and every part of this state, and request



them to join in a solid union with Vermont against the British forces which invade the American states.

Such a union for the mutual advantages of both states, I am ready to ratify and confirm on the part of this state.

I have the honor to be, sir, your excellency's  
most obedient and most humble servant,  
(Signed) THOS. CHITTENDEN.

A true copy, attest, THOS. TOLMAN, *P. Sec'y.*

*His Excellency, Governor Hancock.*

Indorsed: ("No. 6.") — Copy of a letter from governor Chittenden to governor Hancock, dated Arlington, 12th December, 1780."<sup>1</sup>

*H.—General Haldimand to Lord George Germaine.*

December 16, [1780]

Your Excellency mentions to the minister that you have some reason to believe the offers you made to the chief of that district [Vermont] some time since, have been, or may be accepted.

The above is placed in the index to the Haldimand Papers as of December 16, 1781, though the year is not named in the memorandum itself. The reply of gen. Haldimand to lord George Germaine's letter of February 7, 1781, was dated May 23, 1781, and referred to Haldimand's letter to the Minister as "of the 16th of December." This therefore fixes the date as given above. The truce with Ethan Allen had then been agreed to, and the Vermont commissioners had entertained Haldimand's agents with "much political conversation, and exhibits of papers took place,"<sup>2</sup> from which, according to Williams, "the British concluded they were in a fair way to effect their purposes."<sup>3</sup>

*H.—Instructions of General Haldimand to Commissioners appointed to negotiate with Vermont.*

INSTRUCTIONS TO . . . . [JUSTICE SHERWOOD AND GEO. SMYTH.]

Dec. 20. Having given you full power in my name to negotiate, in conjunction with M . . . . [major Dundas,] with the people of Vermont for the exchange of prisoners by my letter of the 20th of October, I now instruct you in what you

<sup>1</sup> In consequence of this appeal, the legislature of Massachusetts resolved to relinquish her claim of sovereignty over Vermont, provided congress should acknowledge her to be an independent state, and admit her into the union. — *Early History*, 328.

<sup>2</sup> *Vt. Hist. Col.*, Vol. I, 416. <sup>3</sup> *Williams*, Vol. II, 207.

may assure and promise to them as the means of accommodation, and their return to their allegiance. Sensible of the injustice which individuals in the New York government attempted against them, in soliciting and obtaining grants of land which had, in consequence of grants from New Hampshire, been cultivated by the labour and industry of the inhabitants of the Green Mountains, I always regretted the measures which were taken by the government of New York, and felt compassion for the unhappy people who were the objects of them. I have always been of opinion that a people, who, during the last war were so ready on every occasion to oppose the enemies of Great Britain, and [would] never have been prevailed upon to separate themselves from a country with which they were intimately connected by religion, laws and language, had their properties been secured to them. It is therefore with great cheerfulness that I authorize you to give these people the most positive assurances that their country will be erected into a separate province, independent and unconnected with every government in America, and will be entitled to every prerogative and immunity which is promised to other provinces in your [the] proclamation of the King's commissioners.<sup>1</sup> This I hope will be sufficient to remove every jealousy of Great Britain wishing to deprive them of their liberties, or of my ever becoming an instrument to oppress them. I sincerely wish to bring back to their allegiance a brave and unhappy people, so that they may enjoy the blessings of peace, liberty, and an honest industry. From the report you made me, I consider these people as sincere and candid in their propositions. I will therefore act towards them with the sincerity of a soldier unpracticed in deceit and chicanery, and you may assure them that I would be sorry to engage them in any enterprise which might prove ruinous to them. I am sensible that their situation is delicate; that the utmost caution is necessary not only with regard to the powerful enemies which surround them, but with regard to their own people, whose prejudices are great and many, and who cannot, at first view, see the advantage which will accrue to America in general, as well as to themselves in particular, from a reconciliation with the mother country. I am so much convinced of the present infatuation of these people, and so far removed from expecting that the people with whom you negotiate will betray any trust reposed in them, that I agree, that this negotiation should cease and any step that leads to it be forgotten, provided the congress shall grant the state of Vermont a seat in their assembly, and acknowledge its independency. I trust that time and other methods will bring about a reconcilia-

<sup>1</sup> Doubtless meaning the proclamation and manifesto of the king's commissioners to the people of the colonies in 1778.

tion and a return to their allegiance, and hope and expect they will act towards me with the same frankness and sincerity, and apprise me by your means of their intentions, prospects, and measures, so that I may be more able to assist them.

In order to entitle the inhabitants of the state of Vermont to the provisions of half-pay which His Majesty has been pleased to make to the officers of provincial corps who take arms in support of his government, I propose to raise two battalions consisting of ten companies each, to be commanded by Messrs. Allen and Chittenden, or any others whom the governor and council of Vermont shall appoint, with the rank and pay of lieutenant-colonels commandants, of which I shall myself be colonel, but to which the lieutenant-colonels commandants shall, subject to my approbation, have the appointment of the officers; and if the defense of the state should require it, more will hereafter be raised upon the same footing.

For the further encouragement of the persons who shall exert themselves in promoting the happy re-union, I promise, besides the above appointments, that they shall have gratuities suitable to their merits.

F. HALDIMAND.

Quebec, 20th December, 1780.

Indorsed: ("Copy) No. 2.—Instructions to . . . Dated 20th December, 1780."<sup>1</sup>

H. — (COPY.) — *Queries suggested by . . . and answers thereto.*<sup>2</sup>

1st. What forces may I say Men [Allen] shall expect, and when? To 1st and 2nd. As soon as the people of Vermont shall declare, either for a neutrality or for the King, I will cause to march 3000 or more troops, according as situation of things in the other parts of the province will admit, to the lower end of Lake Champlain in order to support them, or to co-operate with them in any plan which may be agreed upon.

2nd. How far will they penetrate into the country? plain in order to support them, or to co-operate with them in any plan which may be agreed upon.

<sup>1</sup> Although dated December 20, 1780, these instructions probably were not communicated to Ira Allen until the meeting with Haldimand's commissioners, May 8, 1781. Allen said: "The next day [after his arrival] the commissioners met to settle a cartel for the exchange of prisoners. Major Dundas, captain Sherwood, and George Smyth, Esq., produced their credentials, as also Col. Allen."—*Vt. Hist. Coll.*, Vol. I, 421.

<sup>2</sup> These queries may have been suggested by Ira Allen, but evidently they were put to general Haldimand by one of his commissioners. The paper is not dated, but it is numbered next in order to the "Instructions" to the commissioners, and the answers of general Haldimand are instructions in detail on the points raised.

3rd. Shall the truce be privately continued with Vermont, and will neutrality at first be accepted and trade granted?

3rd. There is the greatest necessity to keep the negotiation secret, and to remove even every suspicion of it; therefore the truce cannot be privately continued, nor trade granted. The correspondence will be carried on by flags, and these must be conducted with the most rigid precaution. I am equally sensible with the people of Castletown, that there are spies from New York and other Colonies within this province, and who will be very apt to watch every motion. The flags from Vermont, as well as those from Albany, will, for the future, be stopped at Point-au-Fer, where proper persons will be sent to confer with them.

4th. Will the whole of the New Hampshire or Vermont grants of land, as they now stand, be confirmed to the grantees, or as many of them as return to their allegiance, and all other claims invalidated? will Vermont have a separate jurisdiction from any other government under the King?

4th. With regard to the 4th Query, it appears so reasonable that I can see no difficulty in it; however, as the rights and pretensions of many individuals, even amongst themselves, may be comprehended in it, of the particulars of which I am entirely ignorant, and having no authority to decide controversies of that kind, I cannot undertake for anything more than that the country shall have a separate jurisdiction independent of every other in America, which to me appears sufficient to secure the property of every person belonging to the State of Vermont.

5th. Will they have the privilege of choosing their own representatives and civil officers, the governor excepted?

5th. With regard to the 5th query, you may say that as their province will be perfectly independent of every other government under the King, they will have an undoubted right to every immunity, exemption or privilege mentioned in the proclamation of the King's Commissioners.

6th. Will the general keep up a correspondence by flags?

The 6th query is comprehended in the 3rd.

7th. Whether brigadier Allen shall command his own brigade in camp or action [act] as a temporary brigadier?

7th. Lieut. Colonel Allen will certainly have the command of the troops of Vermont, subject, nevertheless, to the orders of the officers whom General Haldimand will send with the 3000 men, but who will not interfere with the particular arrangements or detail of the troops of Vermont.

Indorsed: "No. 3, Queries and Answers."

*Governor Chittenden to General Washington.*

ARLINGTON, STATE OF VERMONT, 15 January, 1781.

1781.  
Jan. 15.

*Sir*:—I am extremely unhappy when I view the critical situation of the interest of the United States, and the great evils which attend the people in this quarter by the unhappy internal broils and contentions, caused by the disputes between them and the several adjacent states, which prevent that line of correspondence with your excellency necessary to make the common interest become mutual, and which, I am not insensible, puts it out of your excellency's power to hold such correspondence as, I presume, from your known humanity and warm attachment to the liberties of mankind, would be otherwise granted with pleasure.<sup>1</sup>

Notwithstanding I esteem it my duty to inform your excellency of the perseverance of the inhabitants of this state in the grand cause of liberty in which they have embarked, and of the high estimation they entertain of your excellency's eminent services as commander-in-chief of the American arms, (not to flatter), I am wanting in language to express their feelings. I can only assure your excellency that nothing impedes their willingness to support your excellency in the important trust of commander-in-chief, at the risk of everything dear to them, but a want of being assured, at the end, of sharing equal privileges with the United States.

It gives me pain to give your excellency any intelligence which may, in the least, add to your burden. But duty to my country, and self-preservation, make it become necessary to present an official account of our situation in this quarter, so far as respects the interest of the common cause; for which I refer your excellency to the enclosed letters, which are copies of them sent as therein specified, and will give a particular relation of the subject.<sup>2</sup>

<sup>1</sup> This is a frank acknowledgement of the fact that, so long as Vermont was not recognized as a state by congress, Washington could not *officially* correspond with Chittenden.—*Correspondence of the Revolution*, Vol. III, 209.

<sup>2</sup> The letters of November 22 and December 12, 1780, to New York and the New England States.

I can only mention further to your excellency, that many prisoners, inhabitants of this state, are in the custody of the enemy in Canada; and that, notwithstanding we have taken more than three times the number from them, it is at present out of our power to return equal numbers, having delivered prisoners so taken, from time to time, to the United States. We are about settling a cartel for the redemption of our men in Canada, *as before mentioned*.<sup>1</sup> I must therefore beg your excellency's indulgence with a sufficient number of prisoners to answer such an exchange, should the commissioners appointed for that purpose agree. Should this proposal meet your excellency's approbation, a return of the number shall be immediately transmitted, and a compliance with any reasonable requisition that may be necessary to complete a matter so earnestly wished for by, sir, your excellency's most respectful

And most obedient, humble servant,

THOMAS CHITTENDEN.

*Beverly Robinson to Ethan Allen.*<sup>2</sup>

NEW YORK, February 2, 1781.

*Sir*:—I sent two copies of the above letter [of  
 1781. March 30, 1780, *ante*, 59,] the first on the 12th of  
 Feb. 2. April and the second the 24th of May last, neither of

which I am afraid got to your hands, as I never had any answers from you. But the frequent accounts we have had for three months past from your part of the country confirms me in the opinion I had of your inclination to join the king's cause, and to assist in restoring America to her former peaceable and happy constitution. This induces me to make another trial in sending this to you; especially as I can now with more authority, and assure you that you may obtain the terms mentioned in the above letter, provided you and the people of Vermont take an active part with us. I beg to have an answer to this as soon as possible, and that you will (if it is your intention) point out some method of carrying on a correspondence for the future; also in what manner you can be most serviceable to government, either by acting with our northern army [Haldimand's] or to meet and join our army [sir Henry Clinton's] from hence. Should be glad you

<sup>1</sup> If this is not a slip of the pen, it implies that Washington had been notified by Chittenden before this date of the proposed cartel; but no previous letter to that effect is found in Washington's correspondence.

<sup>2</sup> *Ethan Allen Papers*. ms., 345.

would give me every information that may be useful to the commander-in-chief.

I am, sir, your most humble servant.

BEVERLY ROBINSON, *Col. Loyal American Regiment.*  
*To Col. Ethan Allen, Vermont.*

II.—*Lord George Germaine to General Haldimand.*

February 7, 1781. (No. 77.)

The Minister says: The return of the people of Vermont to their allegiance is an event of the utmost importance to the king's affairs.

General Haldimand has received instructions to draw them over, and give them support.

*Lord George Germaine to Sir Henry Clinton.*<sup>1</sup>—[Extract.]

WHITEHALL, [London,] February 7, 1781.

The return of the people of Vermont to their allegiance, is an event of the utmost importance to the king's affairs;<sup>1</sup> and at this time, if the French and Washington really meditate an irruption into Canada, may be considered as opposing an insurmountable bar to the attempt.<sup>2</sup> General Haldimand, who has the same instructions with you to draw over these people, and give them support, will, I doubt not, push up a body of troops, to act in conjunction with them, to secure all the avenues through their country into Canada; and when the season admits, take possession of the upper parts of the Hudson and Connecticut rivers, and cut off the communication between Albany and the Mohawk country. How far they may be able to extend themselves southward, or eastward, must depend on their numbers, and the disposition of the inhabitants: but, if Albany should take part with them, the inducement to attempt to open a communication with them by Hudson's river will appear irresistible to people here.<sup>3</sup>

<sup>1</sup> Word for word as to Haldimand on the same day.

<sup>2</sup> Washington *had* entertained such a design at times from September 1778 to December 1779. — *Life and Writings*, Vol. VI, 56–423.

<sup>3</sup> This letter had been intercepted. It was read in congress July 31, and published in the Pennsylvania Packet of August 4, 1781, and had an immediate and powerful influence upon congress, tending to settle the long pending controversy in favor of Vermont.

## THE EAST AND WEST UNIONS.

*December 1778 to July 1781.*

Between December 9, 1778, the date of the Cornish convention<sup>1</sup> and November 1780,<sup>2</sup> two schemes had been suggested in congress and to some extent favored in New York and New Hampshire,<sup>3</sup> and by the adherents to New York in Vermont—one being to assign the whole of Vermont to New Hampshire, and the other to divide it between New Hampshire and New York—thus disposing of a long and troublesome controversy. These schemes were known to friends of Vermont; and after the withdrawal of the agents from congress, September 22, 1780, and the postponement of the case by congress on the 27th, “a plan was then laid between two persons at Philadelphia, to unite all parties in Vermont, in a way that would be honorable to those who had been in favor of New York, and said sixteen towns” [in New Hampshire, which had formerly united with Vermont,] and “that would also justify the legislature of Vermont.”<sup>4</sup>

The “two persons” referred to were unquestionably IRA ALLEN and STEPHEN R. BRADLEY, who were then in Philadelphia as agents of Vermont—the one specially representing western Vermont, whose interests pointed to the annexation of part of New York, and the other representing eastern Vermont, whose interests favored an addition of a part of New Hampshire. One part of the plan, as stated by Ira Allen, was to induce the members of the council and assembly of New Hampshire, resident in the towns favorable to an union with Vermont, to call a convention to consider the subject. This was effected; such a convention having met at Walpole, November 15 and 16, 1780, of which the following is the record:<sup>5</sup>

<sup>1</sup> *State Papers*, 102.

<sup>2</sup> At that time Mr. Madison wrote to Joseph Jones that all the evidence in the case of Vermont had been heard, and “the proposition for including it within the jurisdiction of some one of the states debated for some time.” — *Madison Papers*, Vol. I, 60.

<sup>3</sup> January 13, 1781, New Hampshire instructed her delegation in congress to claim jurisdiction over Vermont. — *Ms. Index to Stevens Papers*, 79.

<sup>4</sup> *Ira Allen, Vt. Hist. Coll.*, Vol. I, 412. <sup>5</sup> *State Papers*, 126.



*At a CONVENTION of DELEGATES from the several towns in the County of Cheshire, in the State of New-Hampshire, held at Walpole, in said county, on the 15th day of November, in the year of our Lord, one thousand seven hundred and eighty :*

VOTED, That *Dr. Page, Col. Hunt, Capt. Holmes, Daniel Jones, Esq. and Col. Bellows*, be a committee to confer with gentlemen from any parts of the territory, called the New-Hampshire grants, concerning the jurisdiction of the said grants, and to consider what is proper to be done by the inhabitants thereof, relative to their jurisdiction ; that the same may be ascertained and established. Which committee, after due enquiry and consideration, report as follows, viz. The committee appointed by the convention, held at Walpole, November 15th, 1780, do report, that we have conferred with the several gentlemen present, who were committees from the different parts of the territory, called the New-Hampshire grants, viz. *Cumberland, Gloucester and Grafton* counties, and do find, that many matters lately agitated, with respect to the jurisdiction of the New-Hampshire grants, render a union of the inhabitants of that territory indispensably necessary. The said inhabitants received the grants of their lands from the same jurisdiction, and settled them while a union was extant ; which was an implicit engagement of authority, that it should be continued. But we were unjustly deprived of the advantages resulting from it, in the year 1764, by an arbitrary decree of Great Britain, to which we never acceded : which decree, however, cannot be esteemed efficacious, since the declaration of independence ; it being one of those iniquitous measures, by which they were attempting to oppress the colonies ; and for which we have since thrown off subjection. This being the case, the union re-exists. And shall we throw it off? God forbid. The situation of the territory aforesaid, by reason of their being a frontier, as well as many other matters, which are obvious, respecting commerce and transactions of a public nature, makes it expedient that they be united in all their interests, in order to make their efforts, in that quarter, against the common enemy, more vigorous and efficacious. In respect to government, great disadvantages may arise by a division. In that case, delinquents may easily evade the operation of justice, by passing from one state to another, and thereby be induced more readily to practice iniquity in that part where the body of inhabitants, and the principal traffick, center. And we imagine that a union of public interests is the only means by which the contentions and animosities, now subsisting among the inhabitants of the territory aforesaid, can be brought to a happy issue : for, so long as the course of justice is in different

channels, where people are so nearly allied, disturbances will arise. From authentic information, we cannot but apprehend, that the state of New-Hampshire is greatly remiss, if not grossly negligent (to call it by no harsher name) in trusting affairs of such great importance as the settlement of their western boundary, to a committee, some of whom, we conceive, would risk the loss of half the state, rather than New-Hampshire should extend their claim west of Connecticut river. And, from the best authority that can be obtained, it appears that the agent of the state aforesaid is endeavouring to confirm a division of the grants, contrary to their true interests; which has given the people, on the grants, just occasion to rouse and exert themselves in support of an union of the whole. We, therefore, earnestly recommend, as the only means to obtain an union, preserve peace, harmony, and brotherly love, and the interest of the community in general, that a convention be called from every town within the said grants, to be held at Charlestown, on the third Tuesday of January next, at one of the clock, in the afternoon; and that one or more members be appointed from each town, with proper instructions to unite in such measures as the majority shall judge most conducive to consolidate an union of the grants, and effect a final settlement of the line of jurisdiction.

B. BELLOWS,	} <i>Committee.</i>
S. HUNT,	
D. JONES,	
L. HOLMES,	
W. PAGE,	

*In CONVENTION, at Walpole, November 16th. 1780.*

The above report being repeatedly read,—Voted,

That it be accepted; and a sufficient number of copies be printed and transmitted to the several towns on the New-Hampshire grants, on both sides of Connecticut river, for their notice, to appoint one or more members to attend the said general convention; which shall be deemed a sufficient notification.

*By order of the Convention,*

BENJAMIN BELLOWS, *Chairman.*

*A true Copy—Attest,* DANIEL NEWCOMB, *Clerk.*

At the same time the adherents to New York in Vermont were busy in seeking relief from their unpleasant predicament, as *subjects* of a state which could not protect them, and *residents* of a state to which they would not confess allegiance. They, too, called conventions, the first on the 31st of October:

On this occasion, Luke Knowlton, Hilkiah Grout, Oliver Lovell, Col. John Sargeants, Micah Townshend, Maj. Jonathan Hunt,

Simon Stevens, Charles Phelps, Benjamin Henry, James Clay, Maj. Elkanah Day, Thomas Cutler, and Barzillai Rice, were appointed a committee to take into consideration the feasibility of a new government, and to meet such persons as should be authorized, to consult upon the same question by a convention or a committee of the people of Gloucester county on the west, and Grafton county on the east side of Connecticut river. The design of Cumberland county in these proceedings was 'to devise and carry into execution such measures' as should be deemed best calculated 'to unite in one political body all the inhabitants from Mason's grant on the east to the height of land on the west side the said river.'<sup>1</sup>

Accordingly, Nov. 8, delegations from Cumberland, Gloucester, and Grafton counties met at Charlestown, and took measures to learn the sentiments of all the towns within the proposed new district or state. The Cheshire county convention followed on the 15th, and the result of all these movements was a general convention of representatives of all the towns interested, at Charlestown, Jan. 16, 1781, which consisted of representatives from forty-three towns.

No record of the Charlestown convention can be found ; but its proceedings were summarily stated by Ira Allen, who attended the convention with credentials as a member, though he did not present them. His statement was that a committee of the convention reported, on the first day—

To unite all the New Hampshire Grants to New Hampshire, which was adopted by a great majority, and went in fact to annihilate the state of Vermont. Mr. Allen informed some confidential persons that the governor, council, and some other leading characters, on the west side of the green mountains, were for extending their claim of jurisdiction to the Mason line ; and that if the convention would take proper measures, the legislature of Vermont would extend their claim at their adjourned term in February, 1781 ; and that he was authorized to give such assurance.

A motion was made and carried to reconsider the report and recommit it to the committee, to be corrected and fitted for the press, as it would be a matter of public notoriety, and to lay it again before the convention next morning. The friends of New Hampshire were much pleased with their success, and well enjoyed the night ; but the scene changed the next morning, and

<sup>1</sup> *Eastern Vermont*, 401.

the committee reversed their report, and reported to unite all the territory of New Hampshire, west of Mason's east line, extending to Connecticut river, to the state of Vermont; which report was accepted by a great majority of the convention, it being principally opposed by twelve members of the council and assembly of New Hampshire, who thereupon withdrew to remonstrate against the same. This barefaced conduct of the members of the [New Hampshire] legislature disclosed their intention at once, and furnished Vermont with fair pretensions to extend her jurisdiction on grounds of similar policy and self-preservation.

The convention then appointed a committee to confer with the legislature of Vermont at their next term, and adjourned to meet at Cornish (only three miles from Windsor, the place of session of the legislature of Vermont, agreeable to adjournment,) on the same day with them.<sup>1</sup>

While these events were occurring in eastern Vermont, the leading men in the west had not been idle. From various motives, there was a disposition in the section of New York bordering on Vermont to seek a union with Vermont, and at the February session of the general assembly, petitions to this end from persons residing in that section were presented.

February 10, the committee of the Cornish convention formally presented an application for an union with Vermont in "one separate, independent government." February 14, the committee of the whole, "to whom was referred the several papers from the committee of the convention at Cornish, and also the requests of the inhabitants living north of a line, being extended from the north line of Massachusetts to Hudson's river, and east of the same river and south of latitude forty-five" — made their report:

— Your committee do recommend, in order to quiet the present disturbances on the two sides of said [Connecticut] river, and the better to enable the inhabitants on the two sides of said river to defend the frontier, that the legislature of this state do lay a judrisdictional claim to all the lands whatever east of Connecticut river, north of the Massachusetts, west of the Mason line, and south of latitude forty-five degrees; and that they do not exercise jurisdiction for the time being.<sup>2</sup>

<sup>1</sup> *Vt. Hist. Coll.*, Vol. I, 413, 414.

<sup>2</sup> These boundaries are from *Williams*, Vol. II, 199. *Slade's State Papers*, 130, omit the words "west of the Mason line," but in the report on page 132 these words are inserted. In this, Slade followed the ms. journal.

The committee in the same report made the same recommendation as to the territory of New York east of the Hudson :

Whereupon

*In Committee of the Whole, February 14, 1781.*

1781.  
Feb. 14. The aforesaid report was read and accepted.

Attest, ROSWELL HOPKINS, *Clerk.*

[IN ASSEMBLY:] The aforesaid report was read and accepted, and thereupon

*Resolved*, That this state have and do hereby lay a jurisdictional claim to all the lands and waters within the lines described in the aforesaid report.

IN ASSEMBLY: The committee to whom was referred  
Feb. 16. the request of the convention now sitting at Cornish, &c., brought in the following report, viz.:

That this assembly is willing to receive the inhabitants of the New Hampshire Grants east of Connecticut river, and west of the Mason line, into union with this state, if we can agree on terms that shall be safe for this state and beneficial for the whole.

[Signed,] TIMO. BROWNSON, *Chairman.*

The aforesaid report was accepted, and

*Resolved*, That a committee of two, to join a committee from the council, be appointed to wait on the Cornish convention with the aforesaid report.

On the same day this committee was increased to nine, and the council concurred, adding four members of that body to the committee.<sup>1</sup>

IN ASSEMBLY: *Resolved*, That there be two agents appointed, and fully authorized, immediately to await upon the legislature of the state of New York, now convened at Albany, *to agree upon and establish the line between this state and the State of New York.*

The agents chosen (by ballot) are Col. Ira Allen and Maj. Joseph Fay.<sup>2</sup>

This was concurred in by the council, Feb. 22, the same day on which the east union was confirmed by both houses. On the 6th of April following, the council voted *not* to send these agents, and also "not to write any further to the general assembly of New York at present;"<sup>3</sup> nevertheless, the fact shows that Vermont

<sup>1</sup> *Assembly Journal*, 1778-1784, 209, 210; and *Council Journals*, 1776 to 1780, 353.

<sup>2</sup> *Assembly Journal*, 1778-1784, 211.

<sup>3</sup> *Journals of Council*, 1776 to 1780, 371.

then intended to agree with New York, if possible, upon a boundary line, and hence the conclusion is that the west union was a measure of policy for the time being. So were both unions, as the following clearly indicates.

The resolution of Feb. 14 was merely preliminary to further action. It pledged Vermont to the then present policy of extending its jurisdiction east and west. A week was spent by the two bodies, the legislature of Vermont and the convention of New Hampshire towns, in arranging details. One condition, which Vermont complied with, was a general amnesty to citizens of Vermont, who had adhered to New York and denied or resisted the authority of Vermont.<sup>1</sup> Two other points only are material to a correct judgment of the spirit and true intent of this policy. First, it was agreed to submit the question of the proposed union to the several towns embraced in it; and second, Vermont insisted upon two fundamental conditions, to preserve her independence, and to reserve the power in her own hands *to submit to congress any dispute between Vermont and any other state as to boundary lines*. The last clearly proves that the policy of annexation was temporary, and that Vermont then anticipated a submission of the question of *her boundaries*, but not of her independence, to congress. It was, in fact, a power reserved by Vermont to give back to New Hampshire and New York, at a proper time, the territory over which Vermont was then extending her jurisdiction. This important fact suggests the correct interpretation of the other feature of Vermont's policy at that time—the Haldimand negotiation. The record is as follows:

*A Message from the Committee of the Legislature to the Committee of the [Cornish] Convention.*<sup>2</sup>

As no further proposals are to be made by the convention at present, the assembly's committee propose the following articles, as really necessary for the peace and well-being of this state, and the United States:

ART. 1. That the independence of the state of Vermont be held sacred; and that no member of the legislature shall give his vote, or otherwise use endeavors to obtain any act or resolution of assembly, which shall endanger the existence, independence, or

<sup>1</sup> *State Papers*, 135. <sup>2</sup> *Same*, 125, 136.

well-being of the state, by referring *its independence* to the arbitrament of any power.

ART. 2. That whenever this state becomes united with the American states, and there shall then be any dispute between this and either of the United States, *respecting boundary lines*, the legislature of this state will then (as they have ever proposed) *submit to congress*, or such other tribunal as may be mutually agreed on, the settlement of any such disputes.

By order, J. FASSETT, *Chairman*.

*The honorable Committee of Convention.*

Wednesday, 11 o'clock A. M., Feb. 21, 1781.

*A Message from the Committee of the Convention to the Committee of the Legislature.*

The Committee of Convention agree to article first and second of the proposals of the Committee of the Legislature of Vermont.

E. PAYNE,<sup>1</sup> *for the Committee.*

On the 22d of February, both parties agreed to the articles of union, and on the 4th of April following the legislature met, pursuant to one of the articles, to receive the decision of the question by the towns. On the 5th, the result was declared, as follows :

	<i>Aye.</i>	<i>No.</i>	<i>Not voting.</i>
Towns east of Connecticut river,	35	0	0
Towns west of Connecticut river, <sup>2</sup>	36	7	6

Thus the union with New Hampshire towns was completed, and on the next day their thirty-five representatives took their seats in the general assembly of Vermont.<sup>2</sup>

The proceedings as to the WESTERN UNION were in the same spirit, and with essentially the same conditions—the articles as to independence and settlement of boundary disputes the same. April 11, 1781, the people residing in the district described as Skene's,<sup>3</sup> were invited by the legislature to send delegates to a

<sup>1</sup> Elisha Payne of Lebanon, N. H. Elijah Paine of Williamstown was prominent in Vermont at a later date.

<sup>2</sup> Brattleboro' is not included, but representatives from that town took their seats in the house on the next day. — *State Papers*, 137.

<sup>3</sup> In 1774, by advice of Ethan Allen and others, to get rid of New York, colonel Philip Skene of Skenesboro, [Whitehall,] went to London and got an appointment as governor of the garrisons of Ticonderoga and Crown Point ; he then asked that Vermont, with New York north of the Mohawk to Lake Ontario, be made a royal province ; but the project was defeated by the approaching war. — *Vt. Hist. Coll.*, Vol. I, 361.

convention at Cambridge in May following, to meet a committee of the legislature, and take into consideration the defense of the frontiers and see if an union could be agreed upon. In that case, the matter was to be referred to the people, and decided by electing members of the general assembly of Vermont, unless the people had previously instructed the delegates sent by them to the convention. This was done accordingly. May 15, the Cambridge convention agreed to the proposed union; June 16, the general assembly concurred,—ayes 33, noes 24; and on the same day thirteen, of the fifteen representatives elected or instructed, took their seats in the general assembly. Thus the project of the East and West Union, decided upon by Vermont on the 14th of February, was perfected on the 16th of June; and on the 18th of July governor Chittenden declared the union by proclamation.<sup>2</sup>

Ira Allen described the condition of Vermont, at the time of projecting these unions, in strong terms:

At the time of projecting these unions, and laying the basis for the first in Philadelphia, which also united the people contiguous to Connecticut River, the State of Vermont was in a forlorn situation, torn by intestine divisions and the intrigues of her enemies in Congress; all the cannon, nay, every spade and pickaxe taken by her valiant sons at Ticondaroga and Crown Point, were removed out of the State to Fort George, together with Colonel Warner's regiment, raised in and for the protection of Vermont, but put into continental service, were thus stationed to defend the frontiers of New York, not half so much exposed as Vermont, and, to add to the distress, New York re-called, at the same time, all her state troops from Skenesborough; in either case, the enemy must come up Lake Champlain, and it would be impossible, then, to reach Fort George without light boats, which they must bring with them, and then they would be obliged to carry them over a neck of land, two miles and a half in length, which connected the two lakes (Champlain and George) where neither cattle nor horses could be found to assist them, and if they even should conquer these difficulties, and lose their boats by any accident, a defeat would be fatal; for it would be almost impossible to secure a retreat, as the mountains on both sides Lake George were extremely difficult to pass; when the enemy might come into Lake Champlain, within twelve miles of Castleton, or, in one day's march through a pleasant country, from opposite to Ticondaroga to Pitsford or Castleton, at each of which places the troops of Vermont

<sup>2</sup> *State Papers*, 126-141. *Early History*, 337-345.



were stationed, and, to the south of them, the inhabitants of Vermont remained on their farms. Thus Vermont was left to take care of itself, when a frontier to those claiming States, viz. New Hampshire, Massachusetts, and New York, and they using every method to divide its citizens. Congress had also interfered with the internal politics of Vermont, in favour of the claiming States, to cut off her ways and means of raising men and money for self-defense, as will appear from the following resolution of Congress, viz. "Resolved unanimously, That in the opinion of Congress, no unappropriated lands or estates, which are or may be adjudged forfeited, or confiscated, lying in said district, ought, until the final decision of Congress in the premises, be granted or sold."<sup>1</sup>

The policy of Vermont at that time — the attack upon New York and the Haldimand negotiation combined — had a marvelous effect upon governor Clinton: Feb. 5, he could not restrain his indignation at the insolence of Chittenden, in demanding of New York a surrender of Vermont; Feb. 27, he angrily forbade action upon it by the assembly of his state, by a threat to prorogue them; but in five weeks *he was ready to give up Vermont, if she would be content with her former boundaries.* The contrast is strong, but it was one of the governor's drawing. The fact and the reasons appear in the following letter. The governor had received a copy of the report of the committee of the whole of the Vermont assembly, adopted on the 14th of February, as it constitutes No. 3544 of the Clinton papers. The following is No. 3619:

*Governor Clinton to James Duane.*

April 6, 1781: The conduct of the people on the grants daily becomes more serious, and I am persuaded must in the end convince congress that they ought long before this to have interposed. I have no positive evidence of a criminal communication between them and the enemy in Canada, but there are circumstances sufficient to justify at least suspicion. Chittenden and his council solemnly opened a correspondence with gov. Haldimand last fall, and flags, under pretence of establishing a cartel, passed between them, when I believe it is a fact they were not possessed of a single prisoner to exchange.<sup>2</sup> It is equally certain that Fay and sev-

<sup>1</sup> *Vermont Historical Collections*, Vol. I, 419, 420.

<sup>2</sup> This was not the fact, but if true it proved nothing. Vermonters were prisoners in Canada, and Washington held Britons who had been captured by Vermont. Chittenden had asked for them for the purpose of exchange, notifying Washington of the proposed cartel with Haldimand.

eral other of their leaders in a number of sleighs set out with a flag for Canada this winter, but were prevented by the badness of the ice from proceeding.<sup>1</sup> They openly deny the authority of congress and avow their right of making a separate peace. The enemy, last fall, under Carleton, passed by their settlements near the lake, which were most accessible, and destroyed ours on the borders of the Hudson river. I most sincerely wish a decision of our controversy with this people. It should be a just and honourable one for the state, *but I am persuaded at the same [time] that any decision that can be made, not extending their original claim, will be preferable to delay.* They now daily gain strength at our expense, and while the matter hangs in suspense, it excites divisions on the subject among ourselves, which I am apprehensive will have an unhappy influence on our public affairs.

On the 23d of February<sup>2</sup> Ethan Allen received the  
 1781.  
 March 9. second letter of Beverly Robinson, dated at New York, February 2, and on the 9th of March he transmitted both of Robinson's letters to congress, with the following:

H. — *Ethan Allen to the President of Congress.*

(COPY.)

SUNDERLAND, 9 March, 1781.

*Sir*:—Inclosed I transmit your Excellency two letters which I received under the signature thereto annexed, that they may be laid before Congress. Shall make no comments on them, but submit the disposal of them to their consideration. They are the identical and only letters I ever received from him, and to which I have never returned any manner of answer, nor have I ever had the least personal acquaintance with him, directly or indirectly.

The letter of the 2nd February, 1781, I received a few days ago, with a duplicate of the other, which I received the latter part of July last past, in the high road in Arlington, which I laid before governor Chittenden and a number of other principal gentlemen of the state (within ten minutes after I received it) for advice; the result, after mature deliberation, and considering the extreme circumstances of the state, was to take no further notice of the matter. The reasons of such a procedure are very obvious to the people of this state, when they consider that Congress have

<sup>1</sup>The party consisted of two Vermont commissioners, three British commissioners, and their attendant guards and servants. None of the "leaders" but Ira Allen and Joseph Fay, the Vermont commissioners, are named by Allen as of the party.—*Vt. Hist. Coll.*, Vol. I, 416.

<sup>2</sup>This date is fixed by the report of the carrier and spy, made to general Haldimand in June following.

previously claimed an exclusive right of arbitrating on the existence of Vermont as a separate government, New York, New Hampshire, and Massachusetts Bay at the same time claiming this territory, either in whole or in part, and exerting their influence to make schisms among the citizens, thereby, in a considerable degree, weakening this government and exposing its inhabitants to the incursions of the British troops and their savage allies from the Province of Quebec.

It seems that those governments, regardless of Vermont's contiguous situation to Canada, do not consider that their northern frontiers have been secured by her, nor of the merit of this state in a long and bazardous war, but have flattered themselves with the expectation that this state could not fail (with their help) to be desolated by a foreign enemy, and that their exorbitant claims and avaricious designs may, at some future period, take place in this district of country.

Notwithstanding those complicated embarrassments, and I might add, discouragements, Vermont, during the last campaign, defended her frontiers, and at the close of it opened a truce with General Haldimand (who commands the British troops in Canada) in order to settle a cartel for the mutual exchange of Prisoners, which continued near 4 weeks in the same situation, during which time Vermont secured the northern frontiers of her own, and that of the state of New York in consequence of my including the latter in the truce, although [that] government could have but little claim to my protection. I am confident that Congress will not dispute my sincere attachment to the cause of my country, though I do not hesitate to say I am fully grounded in opinion, that Vermont has an indubitable right to agree on terms of cessation of hostilities with Great Britain, provided, the United States persist in rejecting her application for a union with them, for Vermont, of all people, would be the most miserable, were she obliged to defend the independence of United claiming States, and they, at the same time, at full liberty to overturn and ruin the independence of Vermont. I am persuaded when Congress considers the circumstances of this state, they will be more surprised that I have transmitted them the enclosed letters, than that I have kept them in custody so long, for I am as resolutely determined to defend the independence of Vermont as Congress are that of the United States, and rather than fail, will retire with hardy Green Mountain Boys into the desolate caverns of the mountains, and wage war with human nature at large.

(Signed) ETHAN ALLEN.

*His Excellency, Samuel Huntingdon,<sup>1</sup> Esq., Pres. of Congress.*

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<sup>1</sup>Samuel Huntingdon, of Connecticut.

Indorsed: "No. 7. — Copy of a letter from General Allen to Samuel Huntingdon, Esq., President of Congress, dated Arlington, March 9th, 1781."

H. — *Ira Allen to the President of Congress.*

(COPY.)

SUNDERLAND, March 10th, 1781.

*Sir* :—I herewith transmit to your Excellency an act of Legislature of the state of Vermont, laying a jurisdictional claim to the land therein specified : also an act purporting articles of union between this state and a convention held at Cornish in February last. As a private gentlemen [I have] thought proper to transmit to congress his information, although this state declined further application.

I am, with sentiments of esteem, &c., &c.,

[Signed,]

IRA ALLEN.

*His Excellency, Samuel Huntingdon, Esq.*

N. B. — From a New York member of congress to his friend :

[Extract, &c.]

March 11th, 1781.

The 2nd [question] of the N. H. Gr'ts. will soon be settled, as the state of that name urges its final decision, and there is great reason it will be great and honorable to this state. The cession made by Virginia to the United States hath removed the cause of opposition which Maryland gave to our disputes not settled, and the other small states not near us will ease their opinion, as the contention respecting it is now removed.<sup>1</sup>

March 31, New Hampshire instructed her delegates in congress to prosecute their claim to Vermont.<sup>2</sup>

1781.  
April 12. IN GENERAL ASSEMBLY: A brigadier general was elected for each of the three brigades into which the state was then divided: Gen. Ethan Allen for the 1st, gen. Benjamin Bellows for the 2d, and col. Peter Olcott for the 3d. A report, for raising fifteen hundred men for service this year, was adopted; and it was resolved to add two members to the board of war.

Copies of two letters, dated at New York, March 30th, 1780, and Feb. 2d, 1781, signed "Beverly Robinson, Col. Loyal American Regiment," and directed to col. Ethan Allen, which were attested as true copies by Ira Allen and M. Lyon; also a copy of a

<sup>1</sup>Gen. McDougal to Gov. Clinton, March 12, 1781. — *Clinton Papers*, No. 3575. "The state of that name" was *New Hampshire*, not the Grants.

<sup>2</sup>*Index to Stevens Papers*, 79.

letter from gen. Allen to Samuel Huntington, esq., president of congress, which enclosed the original letters from Bev. Robinson — were laid before this house and read. Whereupon, his excellency the governor requested that the minds of the house might be taken, whether the proceedings of the governor, council, and general Allen, were agreeable or approved by them : which question being put, passed in the affirmative.<sup>1</sup>

IN COUNCIL : April 26. *Resolved*, that the honorable Ira Allen, esquire, and major Isaac Clark, be, and they are hereby appointed agents to proceed to the province of Canada, and to treat with commissioners to be appointed on the part of the British in Canada, to agree on and settle a cartel for the exchange of prisoners, and make returns to this council.<sup>2</sup>

H. — *Gen. Haldimand to Lord George Germaine.*

April 30th. Your Excellency sends the Minister some papers which would give his Lordship the fullest information you had been able to procure of the state of Vermont and disposition of its inhabitants, and an extract of a letter from General H., which expresses his suspicion that Ethan Allen is endeavoring to deceive both the congress and me.

*Gen. Schuyler to Gen. Washington.* — [Extract.]

1781.  
May 4. The conduct of the Vermontese is mysterious, and if the reports which generally prevail are well founded, their measures will certainly be attended with dangerous consequences to this and the other United States. I cannot, however, believe that the bulk of the people are in the secret. I rather conjecture that the person whom we suspected last year to have been in New York, and some others, are the only culpable ones, and that they amuse the people with making them believe that the whole of their negotiation with general Haldimand is merely calculated to give congress and this state [New York] the alarm, that the independence of Vermont may be acknowledged.

I was anxious for ceding the jurisdiction beyond a twenty-mile line from Hudson's river, that their independence might be immediately acknowledged, and they made useful to the common cause ; but the governor [Clinton] put a stop to this business, 'as the affair was referred to the decision of congress.' I sincerely wish they would speedily decide, acknowledge them independent, and admit them into the union. If this was instantly done, the measures of their leaders would be brought to the test, and we should

<sup>1</sup> *Assembly Journal*, 1778-1784, 242, 244. *Records of Board of War*, 26.

<sup>2</sup> *Council Journal*, 1781-1784, 3.

know if they had only [in]tended to bring about their independence, or to connect themselves with the enemy. But, unless congress are pushed to a decision, I believe they will do nothing in it; but who is to urge them, I know not. The governor [Clinton] cannot do it officially, and our delegates [in congress,] I believe, will not, unless they believe that the decision will go against the Vermontese.<sup>1</sup>

*General Washington to General Schuyler.*— [Extract.]

May 14. As to the disposition of the Vermontese, I know nothing of it, but from report. At present they are at least a dead weight upon us. It is greatly to be regretted, that they are not by some means or other added to our scale, as their numbers, strength, and resources, would certainly aid us very considerably, and make the enemy extremely cautious how they advance far in that quarter. The bulk of the people, I am persuaded, must be well affected. Should it be otherwise with any of the individuals, I ardently wish they may be detected in their villainy, and brought to the punishment they deserve.<sup>1</sup>

On the 1st of May, Ira Allen commenced his journey  
May 8-25. to *Isle aux Noix* to meet the British commissioners for the purpose of settling a cartel. He went as sole commissioner for Vermont, attended by a guard consisting of lieutenant Simeon Lyman, two sergeants, and sixteen privates. He was politely received by the commandant, major Dundas. Allen himself said:

The next day [after his arrival, probably May 6, making this first interview on the 7th,] the commissioners met to settle a cartel for the exchange of prisoners; Major Dundas, Captain Sherwood, and George Smythe, Esq., produced their credentials, as also Colonel Allen, and they adjourned to the following day. Captain Sherwood walking next morning with Colonel Allen, told him that Major Dundas had no knowledge of any business except the exchange of prisoners, and that he [Sherwood] and Mr. Smyth were the commissioners to settle the armistice, and to concert with him [Allen] measures to establish Vermont a colony under the crown of Great Britain. Whether Major Dundas was or not acquainted with the main business, he conducted himself as if he was not [acquainted with it,] for which reason the papers respecting the exchange of prisoners were kept by themselves for public inspection. What concerned the armistice was more verbal than written.<sup>2</sup>

<sup>1</sup> *Life and Writings of Washington*, Vol. VIII, 42.

<sup>2</sup> *Vt. Hist. Coll.*, Vol. I, 421

Williams prefaced his account of this mission with the following statement:

New York had withdrawn their troops from the post at Skenesborough; all the continental troops had been ordered out of the territory; and the adjacent states did not afford them [Vermont] any assistance. The people of Vermont were exposed to the whole force of the enemy in Canada, and had neither magazines, money, or an army, to oppose the enemy at the northward, who were seven thousand strong. [Ira Allen said ten thousand.] No way of safety remained for Vermont, but to endeavor to effect that by *policy* which could not be done by power. The cabinet council concluded *that they were designedly forsaken by the continent*, to force them into a submission to New York;<sup>1</sup> and that it was clearly their duty to provide for the safety of the people in the only way that remained, *by managing the British attempts to corrupt them, to their own [Vermont's] advantage.*<sup>2</sup>

The condition of the New York frontier at this period served to strengthen these convictions. May 4, general Schuyler, then at Saratoga, declared to governor Clinton that it was impossible to keep up a sufficient guard on the frontier for want of provisions; and on the 5th, brigadier general James Clinton wrote that the troops would abandon the frontier—it was absurd to suppose they could or would exist under their then present circumstances.<sup>3</sup>

H. — *Substance of what passed, and conversation with Colonel Ira Allen, between the 8th and 25th of May, 1781.*

8th. Colonel Allen says, he is not authorized to treat of a Union, but is verbally instructed by Governor Chittenden and General Allen to lay their present situation before General Haldimand, and to inform him that matters are not yet ripe for any permanent proposals; that they, with some part of the council, are anxious to bring about a neutrality, being fully convinced that Congress never intended to admit them as a state, but they dare

<sup>1</sup> Ira Allen averred the same, and cited in proof the resolution of congress condemning the grants of land by Vermont—her main resource for keeping troops in the field: and governor Chittenden charged New York with withdrawing her forces from the frontier for the "*avowed purpose*" of exposing Vermont to the common enemy.—See *Vt. Hist. Coll.*, Vol. I, 419, and Chittenden's letter to Washington, 14 Nov. 1781, *post*.

<sup>2</sup> *Williams*, Vol. II, 207.   <sup>3</sup> *Ante*, 54.

not make any agreement with Britain until the populace are better modelled for the purpose; wish, however, to settle a cartel for the exchange of prisoners, and thereby keep open a door for further negotiation.

9th. Vermont has excluded jurisdiction 20 miles east from Connecticut River to the ancient Mason Line, and west from the north-west corner of Massachusetts to Hudson's River, following up the River to the head, then due north to the latitude of  $45^{\circ}$ .

The eastern inhabitants are now represented in the assembly, and the western will probably be by the 15th of next June. As this is done at the request of the people, it will probably soon enable Vermont to make proposals for a Union with Britain with more safety than at present.

10th. Walked and discoursed fully with Colonel Allen. He is very cautious and intricate. I urged him to make some proposals, telling him that it is now in the power of Vermont to become a Glorious Government under Great Britain, to be the seat of peace and plenty with every degree of liberty that a free people can wish to enjoy; that he must see General Haldimand had, in his instructions to me, conceded everything he could in reason ask or expect. He replied, General Haldimand did not allow them to choose their own Governor, a privilege they never could relinquish with propriety; that when they were ripe for proposals they could not go farther than Neutrality during the war, at the end of which they must, as a separate Government, be subject to the then ruling power, if that power would give them a free Charter in every sense of the word, but if not, they would return to the Mountains, turn Savages and fight the Devil, Hell, and Human Nature at large. I told him Vermont could not accomplish those extravagant flights; that hot headed Men might pretend what they would, but that I knew Human nature too well to be easily persuaded that the affectionate Husband, Father, Wife and Mother could ever be prevailed upon to leave their happy possessions, and with an Infant train lead a savage, wandering Life, surrounded by Enemies of the human and brute Creation, exposed to every inconvenience attending those unhospitable Mountains, &c., &c. I did not pretend to know how far these Chimeras might intimidate congress, but I could assure him General Haldimand had too much experience and good sense to take any further notice of them than by that Contempt they merited. Colonel Allen now began to reason with more coolness, and made up a long chain of arguments advanced by General Allen to me at Castleton. I told him those arguments had been already exhibited to General Haldimand and were then satisfactory to him, but I was certain the General would now expect some further advances; would



therefore advise him, if he could not make any propositions in behalf of Vermont, to give his Excellency some reasons why he did not. The conversation again became warm and spirited.

11th. Colonel Allen expressed a great desire to see the General, and his power to treat with Vermont. I told him it would give his own people too much jealousy, and that he might rest assured General Haldimand never will promise more than he is amply empowered to fulfil. Allen observed he did not think the Parliament had passed any act in favor of Vermont. I answered, I did not think the Parliament of Great Britain has yet considered Vermont of consequence enough to engross the attention of that Assembly. He replied, in his opinion Vermont must be considered of consequence enough to engross the attention of Parliament before any permanent Union can take place between Great Britain and that people.

12th. This day had a long and very friendly Conference with Colonel Allen. He seems anxious to convince me that a respectable number of the leading Men of Vermont are endeavoring to bring about a Union by way of Neutrality. He appeared less reserved, and again repeated the arguments advanced by General Allen respecting the impossibility of an Union with Great Britain, until Vermont had fortified herself against the neighboring States by a firm internal Union, and observed they must finally unite the extra Territories lately taken in, and form the population into a proper system for such a revolution. He says their best politicians are making every possible effort to bring this about; that they have sent circular Letters to the different States, as promised by General Allen. He says they have taken in the new Territories with a view to embarrass congress and strengthen themselves for a revolution; that many members of Assembly from Connecticut River and East are friends to Government, such as Judge Wells, Judge Jones, Colonel Olcott, and many others; that when the Members for the Western part take their Seats, it is expected that a number of them will be composed of friends to Government, (or Tories.) Colonel Allen has given me the following narrative, as nearly as I can recollect, viz: Vermont having got information that New Hampshire had renewed her claims to that State, and had summonsed a Convention of one Member from each Town for 20 Miles on each side of Connecticut River, to sit in January, he was dispatched to attend said Convention. On his arrival he found a number of Tories were Members. He hinted to them Vermont's plan of Neutrality, and to the others the advantage of joining Vermont, by which they would evade a large burden of Taxes. By those insinuations he soon gained over the Majority of the Convention in favor of Vermont. They adjourned

till February, when a Committee was appointed to take this matter under Consideration, and the Committee reported in favour of a Union with Vermont. This Report was carried to the Vermont Assembly, then convened at Windsor, when it was ratified, and articles of Union drawn up and sent out for the approbation of the people, which was so unanimous that Members were appointed from each town to sit in the assembly. Colonel Allen was sent from this convention to the assembly of New York, then sitting at Albany, with an official demand from Governor Chittenden to relinquish their claims to Vermont, to which the Senate agreed, but not meeting with the same success with Governor Clinton, he returned to the Assembly of Vermont with his report, who immediately made articles agreeable to the petitions of the people on the Western part, and recommended a Convention of those people to take the articles into consideration, and join the assembly in June next. In consequence of the Eastern Union they have formed three Brigades:—the first commanded by General Allen on the West side the Mountain; the second by B. General Belknap on the East side the River, and the third by B. General Olcott on the West side. On the East side the Mountains resides their Lieutenant Governor Carpenter. Allen thinks when the Western Union is complete, they can raise Ten Thousand Fighting men. He says this great and sudden revolution has been brought about upon the principles of an Union with Great Britain, or at least of Vermont being a neutral power during the war. Allen does not agree with Mr. Johnson that the majority wish to compromise with Britain, but says their prejudices are yet so great that it would not be safe to propose it but to a few of the population, and they have not yet dared to mention it to half of the ruling men.

13th. Colonel Allen still appears desirous to convince me that the principal men in Vermont are striving to prepare the people for a change in favour of Government. He wishes me to represent everything in the most favourable manner to the General, and hopes he will not be impatient. He says it is as requisite the people should be prepossessed against the proceedings of congress before they are invited to a union with Britain, as it is for a christian newlight to be perfectly willing to be d——d before he can become a true convert. This evening, Mr. Allen observed that the d——d bustles among the powers of Europe, would, within six months, change the face of American affairs, but did not know, nor care, whether for the better or worse. I replied, he must have a predominant wish, as neutrality was, in principle, in my opinion, inadmissible. He said he should not deny but principle inclined him and Vermont in general for the success of America,

but interest and self-preservation (if Congress continued to oppress them,) more strongly inclined them to wish for the success of Great Britain, and fight like devils against their oppressors, be they who they might.

14th. Colonel Allen seemed immersed in contemplation in consequence of some news of the advantage the English have already gained over the Dutch; the unanimous and spirited conduct of Great Britain; their raising the yearly supply without the least embarrassment, &c. He says should Britain, by some d—d turn of fortune, gain a victory over the combined fleets, all Europe would not be able to contend with her, and he would give almost his fortune to be able at this time to know what will be the fate of America. He hopes I will not represent any of our conversation in such a light as to incline General Haldimand to break off the negociation, for he assures me the leading men of Vermont are sincerely anxious to continue it in such a manner as to bring about a pacification.

15th. Colonel Allen seems exceedingly anxious to return, and often says his presence will be very necessary at the next assembly, as they will not know how to proceed until they hear what he has to report from General Haldimand

18th. I endeavored to persuade Colonel Allen to make some overtures to General Haldimand, but he still says he is not authorized, and cannot do anything of the kind. He thinks the General will be convinced, by the reason he has given in writing, that the leaders in Vermont are doing all that is possible, to effect an union or neutrality, and that General Allen was obliged, for his own safety, to send Colonel Robinson's letters to Congress, as it was previously known in public that such letters had been sent to him. This was done by the voice of the Legislature, with their public approbation of General Allen's conduct in not detaining the man who brought the letter, which had a great tendency to weaken the prejudices of the people in favor of congress. Governor Chittenden would have been happy to have had it in his power to give him private instructions for an accommodation, but he is, with his Council, under the eye of the more popular Legislature, and cannot act as a British General can, for had he given such private instructions, he was not in a condition to support them, nor to keep faith with General Haldimand, without the consent of the Legislature, which they are endeavouring to unite in the plan of re-union.

19th. Colonel Allen sends a letter to the commissioners with new proposals for an exchange.

20th. Receives an answer, which seems to give him much uneasiness. He says he never shall be able to persuade his employ-

ers that General Haldimand wishes to treat on any terms with them, except he is able to show them some certainty of exchange when the prisoners shall be produced.

21st. I communicated to Col. Allen His Excellency's letter of the 14th instant.<sup>1</sup> He requested a copy of it, but I refused to give any from the General's letters. Allen says he is now perfectly satisfied of the General's powers to treat, and acknowledges that His Excellency acts with a noble generosity and candour, which he will endeavour to equal on his part. In justice to His Excellency, he will engage to efface as much as he can the idea of a truce subsisting between Great Britain and Vermont. He is very sorry he is not able to enter upon any proposals for a re-union; declares upon his honor that he sincerely wishes for such an event; will use all his influence to bring it about, and is certain his brother will do the same, but is much afraid that General Haldimand will not have patience to wait the time it will necessarily require. He observed, as usual, the difficulty of changing popular bodies, &c., &c. He promised, on the honor of a gentleman, to do his endeavors to have commissioners appointed and properly authorized for treating of a re-union, by the 20th of next July, provided they can be assured of exchanging what prisoners they can then bring to the shipping.

22nd. This day I had a long conversation with Colonel Allen, for the heads of which see my private letter to Major Lernoult, and Allen's note of this date.<sup>2</sup>

23rd. Colonel Allen expatiates on the dangers and difficulties attending the bringing about a revolution, as a number of the Council, and the major part of the Legislature have not, as yet, the least idea of anything further than neutrality, and many of them are ignorant of that. He expresses fears that it will not be accomplished, though he sincerely wishes it may. He still thinks the principles on which America first took arms were just, but he sees, with regret, that congress has learned to play the tyrant, and is convinced it is for the interest and safety of Vermont to accept of General Haldimand's terms. I told him he talked well, but I wished he had said as much when he first arrived, for, however convinced I may be of his candour, the change gave some room for suspicion that he now acts from design. He replied that General Haldimand's candour demands the same from him, and that he has not altered his sentiments, but only throws them out more freely than he at first intended till he had further instructions from

<sup>1</sup> Probably the letter of Haldimand, dated the 17th—*post*.

<sup>2</sup> See letters of Sherwood to Lernoult, May 22—*post*. One of them was written by Sherwood *for* Allen, and seems to be referred to in the text as "Allen's note."

his employers ; but the candid, open manner in which the General had written, forbid his acting with any disguise.

24th. Colonel Allen much the same in conversation as yesterday, but observes that as he knows the General will very soon hear what reports he makes, and how he conducts himself after he gets home, he wishes me clearly to inform the General with the method he must take to comply with his demand of undeceiving the other States respecting the truce, &c. He says he must, as far as he dares, possess the minds of the people with the idea of a re-union. He shall therefore tell their own officers commanding at Castletown, that he cannot tell what may take place, but they must keep themselves in readiness for all events. But to the other states he shall positively declare that no truce, nor probability of one, subsists between General Haldimand and Vermont, and this he should have done for their own safety. But in compliance with the General's desire, he shall be very particular in this declaration.

25th. I communicated Ct. Mathews' letter to Colonel Allen, respecting news.<sup>1</sup> He says the news gives him no further anxiety than to excite in him a desire to know how this war will terminate, for under the present uncertainty of Vermont, he does not know whether this news is favorable or otherwise. But he well knows that he and his family have large fortunes which they do not intend to lose, if there is a possibility of saving them. At all risks he is determined that Congress shall not have the parceling of his lands to their avaricious minions.

I then showed him Ct. Matthews's letter of the General's sentiments.<sup>2</sup> He appeared very much pleased with it, and engaged his honor that the General should hear from their Assembly by the 20th of next July, and as much sooner as possible, but did not think he should be able to send any certain account of the result until that time, as they are not to assemble till about the middle of June, and must sit some time before the business could be fairly opened to the whole House, after which it would necessarily occasion long and warm debates, let it turn out as it might in the end. Mr. Allen and myself have agreed on a signal for his messenger, which we put in writing, and both signed. Should General Haldimand find it absolutely necessary to send a private express to Vermont, Colonel Allen desires it may be by a man of trust, who may be directed to make himself known either to Governor Chittenden, Colonel Allen, or General Allen, or one of the following gentlemen, Colonel Brownson, Dr. Fay, Judge Fassett, or Ct. Lyon. The contents of the message should be a secret to

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<sup>1</sup> See "private" letter of Matthews to commissioners, May 21—*post*.

<sup>2</sup> Probably the *first* letter of Matthews, dated May 21.

the messenger, written upon a small piece of paper, which he should be directed to swallow, or otherwise destroy, if in danger of being taken by a scout from New York, and he should be very careful to shun the Vermont scouts. On these conditions Colonel Allen engages that the messenger shall be immediately sent back. Colonel Allen, after expressing much satisfaction with the polite treatment he had received, embarked about 12 o'clock.

Indorsed: "No. 1. Substance of what passed, and conversation with Colonel Ira Allen, between the 8th and 25th of October,<sup>1</sup> 1781."

Colonel Allen gave a brief account of this interview, which will be found in the first volume of the *Vermont Historical Collections*, 420-426. It contained a document which is not to be found in the Haldimand papers. It was probably written on the 11th of May. Allen's statement in reference to it was, that "he declined writing anything, lest his writings should be exposed;" but "he would verbally state the business, which major Lunno [Lernoult] might write and communicate to the commander-in-chief:"

"Major Lunno at once adopted Colonel Allen's mode to inform the commander-in-chief, and proceeded in the following manner:—

*Question.*—Did not the people of Vermont take an early and active part in the rebellion?

*Answer.*—The people of Vermont were informed that hostilities had commenced at Lexington, by an express from the Governor and Council of Connecticut to Colonel Ethan Allen, who requested him immediately to raise the Green Mountain Boys, and, without loss of time, to march and take the forts Tycondaroga and Crown Point, which Colonel Allen complied with, and also took the King's sloop of war with 16 guns, then lying off Fort St. John's.<sup>2</sup>

*Question.*—Have the people of Vermont continued their exertions in the course of the war?

*Answer.*—No people in America have exerted themselves more than those of Vermont; they, with the assistance of the militia from the State of New Hampshire, and from the county of Berkshire, gave the first check to General Burgoyne's army by the victory at Bennington, and by other exertions, greatly contributed to the capture of his whole army at Saratoga.

<sup>1</sup> May. — See Ira Allen's account in *Vt. Hist. Coll.*, Vol. 1, 420-426.

<sup>2</sup> Benedict Arnold was in the immediate command of the party that captured the king's sloop.

*Question.*—What were the motives which stimulated the people of Vermont to such violent measures?

*Answer.*—The inhabitants of Vermont principally came from Connecticut and the other New England States, and, as brethren, felt for them in a high degree when hostilities first commenced; besides, they were of the same opinion as entertained by their brethren in New England, that the Parliament of Great Britain had no right to bind and control the colonies in all cases whatsoever, and that representation ought to precede taxation.

*Question.*—On what principles do the people of Vermont act by endeavoring to obtain an armistice, and the privilege of being a colony under the crown, after taking so decided a part as you say, on similar principles to those of their brethren in New England?

*Answer.*—When the people of Vermont first took an active part against Great Britain, they were in principles agreed with their brethren in the other colonies to oppose the claims of the Parliament on America, and fought in their country's cause, expecting to enjoy equal privileges with their neighbors in choosing and establishing their own form of government, and in sharing with them all the advantages which might result from their united efforts in the common cause. But after all, they have found to their sorrow, by acts and resolutions of Congress, and proceedings of other States, that they intend to annihilate the new State of Vermont, and annex its territory to New York, whose government is perfectly hated and detested by the people of Vermont. To effect this plan, the frontiers of Vermont have been left naked and exposed to the wasting sword of the British troops, with a view to depopulate the country, and give the New York monopolists possession. This usage being too much for human nature to bear, the citizens of Vermont think themselves justifiable, before God and man, in seeking an armistice with the British, and ceasing further to support a power that has too soon attempted to enslave a brave and generous people.

*Question.*—Should the Commander-in-Chief consent to an armistice with Vermont for the time being, and admit it to be a British colony, with as extensive privileges as any colony ever had, what would be an adequate compensation for the inactivity of the army? and how soon can Vermont furnish a regiment to be put on the establishment, and march with the army against Albany, and what other assistance can Vermont give in such an expedition?

*Answer.*—The advantages to Great Britain by making an armistice, and receiving Vermont as a colony, will be great. After the propositions of Colonel Beverly Robinson, in his letter of

March 30, 1780, to General Ethan Allen, the Cabinet Council of Vermont have not been inattentive to a peace and union with the British government. Governor Chittenden last July sent a flag to the British Commodore on Lake Champlain, with a letter to General Haldimand, requesting the exchange of some prisoners, which produced a truce last autumn. General Ethan Allen included the frontiers of New York to Hudson's River with Vermont, which produced very good effects, and made the people, among whom are many loyalists, on that district, friendly and anxious to come under the jurisdiction of Vermont. The Legislature of Vermont, on their petition, and in consequence of measures New York, &c., were pursuing against her, extended her jurisdictional claim over that part of New York; the territory thus added to the State of Vermont is bounded south by a line due west from the south-west corner of Vermont to the Hudson's River, thence up the said river to its source, and by a line due north to the south line of Canada, thence east to the north-east corner of Vermont. Articles of union are forming, and no doubt but that district will be duly represented in the next session of the Legislature of Vermont. In like manner has been added to the jurisdiction of the State, on petition of the inhabitants, all the territory lying east of Connecticut River, and west of Mason's patent, which takes away, at least, one-third part of the State of New Hampshire. These additional territories will give strength to Vermont and weaken Congress. The extent of country and the return of such a body of people to their allegiance, with the effects it may have on the people in the other States, many of whom are sick of the dispute, in consequence of the taxes and hardships already experienced, most likely will be of greater consequence than the operation of an army of ten thousand men. As to an army marching against Albany, it will operate against the union of the New York district, and that of New Hampshire, now forming with Vermont. This business requires time and moderation, with the address of some discreet loyalists now in Canada, who may visit their friends in those districts, and let them know that Vermont is on good terms with the British.

In Vermont are plenty of men who would be fond of commissions on the British establishment, and could raise a regiment in a few weeks; but this, with sundry other things, can be better ascertained after the session of the general Assembly, at Bennington, next June."

Allen concluded his account as follows :

A cartel for an exchange of prisoners was completed. Thus terminated this negociation in May, 1781, after seventeen days,



on a verbal agreement, that hostilities should cease between the British and those under the jurisdiction of Vermont, until after the session of the Legislature of Vermont, and until a reasonable time after, for a commissary of prisoners to come on board the Royal George in Lake Champlain, and even longer, if prospects were satisfactory to the Commander-in-Chief.

In the mean time Vermont was to consolidate her unions to weaken Congress, permit letters to pass through Vermont, to and from Canada, and take prudent measures to prepare the people for a change of Government.

The Commissioners parted in high friendship, and Major Dundas furnished Colonel Allen and his suite with ample stores to return home. On Colonel Allen's return to Castletown, Captain Hurlbert and others waited on him, and desired to be advised whether to remain or remove to the interior parts of the country; the Colonel advised them to remain quiet on their farms; that the Governor and Council would provide the best means for their safety; that they must not be surprised if there was not a powerful army to protect the frontiers; should any event make it necessary, for the safety of their families, to move, they might depend on seasonable information: he had a similar interview with Major Hebar Allen, the Rev. Mr. Hibbard, &c., in Poultney.

The Colonel went to Sunderland, and made his report to the Governor and Council, who took measures to carry into effect the stipulations he had made. In June, the Assembly met at Bennington, and received the Representatives from the east and west unions.

The eight documents following were contemporaneous with the interview of May 8—25.

H.—*Beverly Robinson to Gen. Haldimand.*<sup>1</sup>

NEW YORK, May 8th, 1781.

*Sir*:—Vermont deserves our vigilant attention. I have much to say respecting her mysterious conduct, but the voluminous cypher we use permits only a few hints. We wrote to Ethan Allen last summer and this winter. He enclosed both letters to Congress in a letter of the 9th of March last, which we have incorporated with another from his brother Ira, transmitting the articles of a union just then formed between Vermont and Cheshire and

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<sup>1</sup>The name of the writer is not given in the Haldimand Papers, but the letter itself indicates the writer, by the reference to Robinson's letters to Ethan Allen. The authoritative tone of this letter, at the close, indicates that it was written by the order, if not in the name, of sir Henry Clinton.

Grafton, two counties east of Connecticut River, and also an act to extend the claim of Vermont's jurisdiction west to the Hudson. The design of these may be to stimulate Congress to determine for Vermont against her neighbors, and admit her as a 14th state in the confederacy. But why then does she widen the controversy by extending her breadth on both sides? She don't deny the titles in either of the additions, nor will those additions validate her own under the New Hampshire grants.

Colonel Wells, of Brattleborough, has sent his son-in-law with verbal information that throws great light upon the conduct of Vermont. We take him to be a friend, and he says by this messenger that you know him to be so. Is it true? He offers his services for a monthly interchange of letters between Canada and the coast of Connecticut, where we are to find a friend to give and receive dispatches. Do you approve of this confidence?

His intelligence is, in substance, that Chittenden and the Allens, with a few others, form a junto, who apprehend that the Congress and their independence must fall, and therefore that she [Vermont] can make no stable agreement, except with the Crown; that she knew at the time of her late act to expand her bounds east and west; that the Senate of New York had passed a bill to admit her to become a separate state, and that the Assembly was about to concur, but prevented by Clinton's menacing them with a prorogation. The messenger learnt in his way here, at Albany, what may be Clinton's motive, vizt: that the French Minister had hinted to the Congress his disapprobation of forming a state, as his master had contracted with but thirteen. It may be well enough to suffer Vermont to play a double game in appearance till she can be aided by us, or form internal dispositions within her own limits to be able to act offensively with us. Wells admits that there are many in Vermont opposed to the re-union, and that the majority of Cheshire and Grafton are of such a cast at present.

The western expansion was a project of Ira Allen's, perhaps to find a counterbalance against that majority, and 'tis said he was against the eastern union.

Chittenden has been questioned on the report, which took rise last fall, of a neutrality between Vermont and Canada, and boasted that by declining an acceptance of offers he had saved the frontiers: perhaps they may most incline to join neither the Crown nor Congress, but it concerns us, if possible, to bring them to a decision. If assurances of their being secured from the jurisdiction of the Province of New York will satisfy them, I should not scruple to give them, but in urging them to decide, I foresee the necessity of yielding to such delays as may prevent a determination against us, and I am now writing for instructions, that may enable me to come up to any reasonable expectations they may form.

Indorsed: "Copy of a letter to General Haldimand (in cypher,) May 8th, 1781, respecting Vermont. O. sent p. D. P."

H. — *Colonel Allen's information respecting the State of Vermont.*<sup>1</sup>

ISLE AU NOIX, 11th May, 1781.

May 11. The circular letters of [to] the neighboring states enclosed by Major Du . . . were designed by the Cabinet of Vermont as a political stroke to keep the neighboring states from committing hostilities on them when they declared neutrality, as also to embarrass in that respect, and as the claiming states had done everything in their power to make a discord in Vermont, and had, in some measure, succeeded, as there had been a large body of men living contiguous to Connecticut River, for sinister views, had ever opposed the River being the boundary line between the respective states of New Hampshire and Vermont, and after Vermont relinquished her jurisdiction to sixteen towns east side of said river, the people on the two sides of said river refused to subject themselves to either government, except in some things respecting the war. They petitioned the General Court of New Hampshire to extend jurisdiction over them and the whole of Vermont, which was in agitation in Congress, but the three claiming states could not agree, and the Congress not making a decision at the time they sat in September last, in [on] which the petitioners of New Hampshire thought by raising a convention from all the disaffected of the two states contiguous to Connecticut River, and by that means get them connected with New Hampshire. When the Cabinet of Vermont thought that, considering all the clandestine and unjustifiable proceedings of New Hampshire, they were then ripe for giving to New Hampshire a heavy blow, an agent was sent to said convention, a committee was appointed to treat with the Legislature of Vermont, and the convention adjourned the same day said Legislature were to convene, and the Legislature, when convened, laid a jurisdictional claim east to the Mason line, leaving [being] about twenty miles east of Connecticut River, and west to Hudson's River. Articles of Union were then agreed on between the legislature of Vermont and the convention, and sent out for the approbation of the people, which was almost unanimous. The legislature adjourned for a short space and convened again, when the eastern district were fully represented, and proceeded to business with great harmony. A large number of petitions were sent from the people inhabiting within said western claims, requesting an extension of jurisdiction, &c., when a committee was appointed to attend a convention to be held at Cambridge in instant

<sup>1</sup> Probably addressed to the British commissioners at Isle aux Noix.

May, with full powers to agree on articles of union. The Legislature adjourned to about the middle of June next, to be convened at Bennington, when it is expected the western district will be fully represented, as the people there have been some years wishing for a union with Vermont, but have been held off as the Cabinet of Vermont waited a more favorable opportunity, when they could justify their conduct to the world by the ill treatment of New York, &c. Within this western claim are a respectable number in favor of British Government.

The reason of Colonel Beverly Robertson's letters and that of General Allen's being sent to Congress, are: some accounts had arrived at Long Island, purporting that General Allen had received such letters; they were first promulgated amongst others, and Mr. Robinson's second letter had not arrived, which was mentioned in his third. It was, however, necessary that some immediate step should be taken to pacify those of the populace that had taken an active and early part in this war, for many of them thought that after the declaration of Independence Congress was next to God Almighty, in power and perfection, and it has been with great difficulty that that idea is so far erased and is at present in such a decline, and as the scene must be opened to this hot-headed multitude before neutrality could be declared, it was judged that the best way of promulgation was to send the identical letters to Congress, with a proper letter from General Allen; that it should go in a mail from Hartford, and that the copies should be read in the Legislature at their next session. After said letters were read, and his Excellency, the Governor, and sundry members of the Legislature had advanced arguments purporting the right of Vermont to hold correspondence with any power, or to offer or accept terms of cessation of hostilities with any power, the injustice of the claiming states and Congress, the unreasonableness of Vermont supposing herself under obligation to fight to support the independence of the United States, and they left at full liberty to usurp the rights of Vermont; that by the conduct of Congress and the claiming states, it appeared that they were willing Vermont should defend their respective frontiers so far as they could, and if Vermont should by the war be ever so much depopulated, it would still be to their advantage, as their intentions appeared to be to divide said state among the claiming states at the end of the war, &c.

The question being put, whether the proceeders [proceedings] had on said Robinson's letters and that of General Allen's was approbated by the House, when it passed in the affirmative. There is every reason to suppose that these proceedings will have their desired effects, but it must be a work of time. Popular bodies move slow. The people of Vermont are ripening for neutrality

as fast as the wheels of time can roll. Some politicians are of opinion it may be accomplished before the rising of the next session of Assembly, but in such case it will be expected that commissioners on the part of Vermont will negotiate such business with commissioners duly authorized from the Court of Great Britain to approbate Vermont to be a neutral state to the end of the war. [F]or Vermont at present to consent to be a British province would be little more than changing the tables and making Vermont the seat of war.

The citizens of Vermont were of opinion that the demands of Great Britain upon her colonies were unconstitutional and unreasonable, which induced them to take an active part in the war, nor have they yet altered their opinion in that respect. But the treatment they have met with from Congress and the claiming states, considering the active part they have taken in this war, has raised a greater resentment in the minds of the more contemplative against Congress and the claiming states than they have against Great Britain, and considering the extent of their territory and numbers of inhabitants, are fully sensible that they cannot continue a separate power, but that in time they must connect with some more aged and powerful, and when they consider their contiguous situation to that of the New England States, the ties of consanguinity, &c., the debts contracted by the United States, &c. Vermont are clear of debt, and wish so to continue. Upon a full consideration of the peculiar situation of Vermont, the leading men are doing everything in their power to bring about neutrality, but, as it has been before observed, that in order to settle some broils in the state, it was necessary to close said union, which in some respect tends to postpone a completion of neutrality, yet, when once effected, it would be the more powerful and permanent. Whether Congress or the claiming states would use coercive measures with Vermont as such, a declaration is at present uncertain; however, should they attempt it, should choose to try them one battle before we called for any assistance. Should any considerable force be sent to invade the frontiers of New York before neutrality could be settled, would propose a feint to be made towards the frontiers of Vermont, which would enable the officers in Vermont, that are principal in command, to declare [deceive?] their other officers and men, that are so exceeding great whigs.

Colonel Allen's reasons for settling a cartel are, to show the people of Vermont that the British General will consider Vermont as a state unconnected with the United [States,] and thereby enable them to collect a sufficient number of prisoners that were

taken with General Burgoyne and elsewhere<sup>1</sup> that are now scattered in a [the] country to exchange for those in Canada, and to continue an intercourse by flags. The prisoners taken at Fort Ann and Skenesborough will at a future period, when Vermont exercises jurisdiction there, come under consideration.

Indorsed: "Copy (No. 9) Colonel Allen's information of the state of Vermont, dated Isle au Noix, 11th May, 1781."

H. — *Captain Matthews<sup>2</sup> to Captain Sherwood, for the Commissioners.*

COPY. (Private.)

QUEBEC, 15th May, 1781.

*Sir*:—I have had the honor to lay before his Excellency, the Commander-in-Chief, your letters of the 8th and 9th instant, with their enclosures, from all which His Excellency is clearly of opinion with you, that the flag is sent more for the purpose of gaining time and influencing the Congress, than to forward the negotiation proposed on our part, and formerly encouraged on theirs, or even for the settling of a cartel. The extension of their territory and jurisdiction, their unreasonable demands respecting a cartel, and their avowing Ethan Allen's exposing to Congress Colonel Robinson's letter, evince their unfavorable disposition to the union we wish for. His Excellency is therefore determined, that unless they open their intentions more fully, and declare the conduct they mean to adopt, at once to put a final stop to all treaty with them, and it is not unlikely this declaration may bring them to a decision; in all events it will counteract their views with respect to Congress, and prevent our being the instrument of their success. Notwithstanding this resolution, His Excellency, before he entirely relinquishes an object he has so much at heart, wishes they could be fully informed of the favorable terms held out to them, and desires you will, for that purpose, communicate them at large to Mr. Allen, unless, by his conduct, you are of opinion of the inefficacy of the measure: but he likewise particularly desires, that you will not, upon any account whatever, leave the paper in Mr. Allen's possession, or trust it where it may be copied; for tho' it contains nothing which the General would hesitate to publish, yet this precaution is necessary for your protection, and it is sufficiently justified by their having given up Colonel Robinson's letters. After being fully acquainted with His Excellency's intentions, they may, at any time they shall think proper, communicate their de-

<sup>1</sup>Allen's idea was that prisoners taken by Vermont troops should be reckoned as *prisoners to Vermont*; and on that ground Chittenden asked of Washington a number of prisoners to be exchanged by Vermont.

<sup>2</sup>Captain Matthews was General Haldimand's Secretary.

termination in consequence thereof by a flag, but no truce, or cartel as proposed by them, can in the meantime be admitted. They have been acquainted with the General's disposition in their favour since last November, and have had sufficient time maturely to deliberate upon it. They should, therefore, have come in prepared to accept or reject his proposals. If all your endeavours should prove ineffectual, His Excellency thinks you would do well to let Mr. Allen understand that a flag will be sent to Albany to declare to the people that no treaty or cartel of any kind exists between us and Vermont State, and that their overtures made for the latter were rejected, and all negotiations finally at an end, least they should keep up the farce to engage the attention of congress.

I am, &c.,

(Signed,)

R. M.

To . . . . .

Indorsed: "(No. 10). Copy letter (private) from Captain Matthews to . . . . dated Quebec, 15th May, 1781."

H. — *Gen. Haldimand to Major Lernoult, for Colonel Allen.*

COPY. (Private.)

QUEBEC, 17th May, 1781.

Sir:—Having considered the paper which was dictated by Colonel Allen, and transmitted by you to Captain Matthews, for my information, you are hereby instructed to assure him that I am fully empowered by His Majesty to offer the terms which are contained in my former instructions to you. I declare this upon my honor.

As I have not authority to make any treaty of neutrality, I cannot agree to any. The state of Vermont must either be united in constitutional Liberty with Great Britain, or continue at enmity with it. I have no desire to deceive, nor wish to engage them in any enterprize which I do not think equally advantageous to them and to Great Britain, and, therefore, must recommend to the leading men of the state of Vermont, who wish that an accommodation should take place, to lose no time in declaring themselves.

Tho' the most punctual secrecy has been observed on my part, I am not ignorant that reports have been propagated and suspicions entertained by Congress, and the states claiming jurisdiction over Vermont, as if some negotiation was carrying on for a re-union of the state of Vermont with Great Britain. I am not without apprehensions that the Congress and the emissaries of these states may, by means of such reports and jealousies, create such difficulties and dissensions in the state of Vermont as may render the good intentions of the leading men of no effect. However sensible I am of the necessity under which General Allen was of sending Colonel Robinson's letter to the Congress, yet I do not choose to

have my instructions to you exposed to the same fate, but I hereby authorize you to pledge my word of honor for the performance of every article which I have promised to the state of Vermont. You will likewise express clearly to Colonel Allen, that as I find the people in the York State have conceived that a suspension of arms was to take place between me and Vermont (which may lead them into mistakes fatal to some individuals) I require that on his return he shall declare publicly the contrary, in justice to the candour I pursue, and that no evil consequences which may arise from the above error may appear to lie at my door, and that as flags may create jealousies and embarrassments, I expect none will be sent for the future, but, if after or before the sitting of the assembly in June, matters can be so far advanced as that the leading men may come to a decision, Colonel Allen may agree upon some places, for example the Split Rock, where a confidential person may be sent with a token agreed upon between you and him as a proof that credit may be given to what he says. If the leading men of the state of Vermont are as sincere, and mean as well as I do, no objection can be made to this proposal.

(Signed)

I am, &c., F. H.

To . . .

Indorsed: "No. 11.— Copy letter, private, May 31st, 1781, Excellency General Haldimand to . . . dated Quebec, 17 May, 1781."

H.— *Captain Matthews to Captain Sherwood, for the Commissioners.*

(COPY.)

QUEBEC, 21st May, 1781.

*Sir:*—I have had the honor to lay before His Excellency, General Haldimand, your letter of the 15th instant, communicating for his information hints and innuendo thrown out by Colonel Allen respecting a further negociation with the state of Vermont, of more consequence than the present, and his wish to keep a door open for intercourse by means of a cartel. Upon the subject of a cartel I have already transmitted to the Commissioners His Excellency's determination, and I am now commanded to acquaint, that although he will not consent to the establishment of a cartel upon the ground proposed, yet he wishes to encourage the hope you seem to entertain of that people returning to their allegiance, either from a sense of their error, or a view to their interest. His Excellency therefore wishes you to improve such overtures as may be made for that end by Mr. Allen, but at the same time guarding carefully against the art and duplicity those people possess, and avoiding delay, which seems to be their favorite object, but which from the present appearance of affairs cannot favor their



interest. For if they terminate, as there is the greatest reason to expect they will, Vermont must be considered indiscriminately with the people of America, and their difficulties with the then contending States will still subsist, while the other parts of America enjoy peace and tranquility. I am, &c.,

(Signed)

R. M.

To . . . . .

H. — *Captain Matthews to Captain Sherwood, for the Commissioners.*

COPY. (Private.)

QUEBEC, 21st May, 1781.

Sir:—Agreeably to your desire I have communicated to His Excellency, General Haldimand, the substance of your conversation with Colonel Allen upon the subject of a re-union of Vermont state with the mother country, and I am commanded to signify to you His Excellency's sentiments thereon.

With respect to the permanent cartel wished for by Vermont, as proposed by them, the general has already determined, and his reasons for not complying therewith have been communicated to Colonel Allen. He is nevertheless desirous to accomplish the re-union already proposed to the people of Vermont, but fears that delay will prove fatal to his wishes in their favour.

The terms for reconciliation which His Excellency has held out to them are undoubtedly sufficient to secure to them their liberties and properties, and he desires you would communicate to Colonel Allen his ardent wish that the people of Vermont lose no time in acceding to conditions so consonant to their well-being.

There is from the last accounts from Europe great reason to think that a general negociation for peace has commenced under the mediation of the Emperor. Sir Joseph York and Sir . . . Keith are the plenipotentiaries on the part of Great Britain and are gone to Vienna on that business. Whatever the terms of peace may be, the people of Vermont must be left in the same unfavorable situation they were in before the present troubles, except that, by a speedy determination to resist the tyranny of Congress and to accept the terms offered them, they secure to themselves a separate government and jurisdiction independent of the other states.

His Excellency has no wish to deceive, nor any view in proposing to reclaim these states, but that of re-establishing the happy government they once enjoyed, and by its influence redress the grievances imposed on them by their neighboring states, as fully expressed in his original instructions to you. His Excellency therefore expects that the result of their deliberations in the meeting to be held in June would be immediately communi-

cated to him with sincerity and candour. In the mean time it is to be considered (and it will be publicly declared) that there is not any negociation or treaty subsisting between His Excellency, General Haldimand, and the state of Vermont.

(Signed)

I am, &c., R. M.

To . . . . . at *Isle au Noir*.

Indorsed: "No, 13. — Copy of a letter (private) from Captain Matthews to . . . . . dated Quebec, 21st May, 1781.

H. — *Colonel Ira Allen to Major Lernoult.*

(COPY.)

MAY 21, 1781.

The Legislature of Vermont will, by the 20th of July, have another session, and just have time to send to the shipping. If there is not a certainty that prisoners will be then exchanged, it may be very prejudicial to some more important matters, &c., &c.

(Signed)

I. A.

*Mr. Lernoult.*

[Ira Allen.]

H. — *Colonel Ira Allen, by Captain Sherwood, to Major Lernoult.*

(COPY.)

MAY 22d, 1781.

*Sir*: — Colonel Allen says he wishes to give Major Lernoult a clear idea of the present situation of affairs (in Vermont.) As he means to act with candour, it would be folly for him to pretend to say officially the exact time commissioners will be sent, nor can he positively say whether they will come with full powers to reunite with Britain, as the idea of neutrality must first be adopted. He foresees that much difficulty will arise respecting the time they are to continue this internal neutrality, for as he wishes to be clearly understood and to convince General Haldimand that he acts on equal principles of sincerity with him, he will again plainly express the impossibility of bringing over at once a prejudiced populace so fully prepossessed in favor of Congress. At present, one half of the Assembly is not acquainted with the designs, and a number of the council yet remain ignorant, nor has it yet appeared safe to open the affair to them. This will be attempted next session, but must be gently and cautiously managed, and how far it will succeed he is not able to determine; he will, however, engage that General Haldimand shall hear from them by some means or other by about the middle of July, or sooner; he thinks the commissioners will, by that time, be sent to exchange some prisoners, (provided he has a certainty of their being exchanged,) and will have power finally to determine whether Vermont is to be admitted as a province, or not. But that his brother or himself may not be at a loss to convey intelligence when necessary, he

proposes the following token by his messenger, vizt : three smokes on the east side the lake opposite the shipping, and at the middle smoke a small white flag hoisted on a staff. He would propose to have the commandant on the lake instructed to receive such messenger immediately on board, and not interrogate him concerning his business, and send him to Canada, or forward his letters, as the messenger shall choose ; and he would expect the messenger would be permitted to return as soon as possible, as delays would have a tendency to create jealousy.

*To Major Lernoult.*

H. — *Col. Allen, by Capt. Sherwood, to Major Lernoult.*

(COPY.)

May 22nd, 1781.

*Sir* :—I am desired by Mr. Allen to inform you that his not coming to any decision respecting an exchange will very much dishearten those who were the most forward for a British Government, and entirely dispirit those who were not so well confirmed in their opinions : he therefore sincerely wishes that the spirit of his last letter to Mr. Dundas may be agreed to, in such a manner, and in such words, that no doubt can raise in their Assembly of Vermont. He declares on the honor of a gentleman, that he will represent in the clearest view possible, General Haldimand's instructions to me, and likewise the candour which appears in the General's last letter, in compliance to which, and in justice to the General, he promises to undeceive the neighboring states respecting a standing truce between Great Britain and Vermont. He is very sorry he cannot have a copy of the General's instructions to me, and as he cannot have that, would be glad of a copy of the General's last letter to me.<sup>1</sup> He says nothing shall be wanting on his part to have commissioners sent as soon as possible, but he knows they cannot be fully furnished sooner than the time he mentioned, and is not certain they can be so soon. He therefore hopes impossibilities will not be expected from him.

(Signed,)

. . . . .

*To Mr. Lernoult.*

No written answer was given to the two preceding letters, but there was a "verbal agreement," according to Allen's account. — *Ante*, 118–119.

<sup>1</sup>Probably meaning the Instructions of Dec. 20, 1780, and the "private" letter of May 21, 1781, written at Haldimand's dictation by Matthews to Sherwood.

H.—*General Haldimand to Lord George Germaine.*

(No. 129.) 1781, May 23rd. Your Excellency tells the Minister, as I fear from your sanguine expressions, in your letter No. 77, that you may have misconceived the opinions I had the honor of giving in mine of the 16th Dec'r.

At the time I wrote that letter, I had no overtures made to me by the chief of that district, though you had flattering hopes he would be influenced by the advantageous offers made him, in which you was somewhat confirmed by the intercepted letters sent to his Lordship, but had no right to suppose that the people of V. had actually returned to their allegiance, else you should have lost no time in communicating such pleasing intelligence to his Lordship.

The three documents following, from *The Clinton Papers*, were contemporary with the interview at Isle aux Noix.

*Governor Clinton to General Schuyler.*—No. 3707.

May 13. From a great variety of circumstances, I am left without a doubt that the leaders of the faction on the Grants maintain a criminal intercourse with the enemy, both in Canada and in New York. How far the bulk of the people are privy to it is hard to determine. I have charity however to believe that few among them, the disaffected excepted, are let into the secret. That the disaffected are, is natural to believe, and it is confirmed by sentiments and conduct of the tories in different quarters of the country.

*General Schuyler, at Saratoga, to Governor Clinton.*—No. 3729.

May 19. [Abstract and extracts.] Major McCracken stated that [Ethan] Allen had been trying to seduce the people of the state from their allegiance to New York;<sup>1</sup> that he asked Allen what course he should take "if the enemy attempted to penetrate into the country—Allen replied that he would neither give nor take any assistance from the state of New York. The defection of the inhabitants on the east side of the [Hudson] river is become very general. The convention which met at Cambridge, I am informed, have agreed to join themselves to the Grants, and that the members are chusing [being chosen] to go to the Vermont assembly."

The tories are fleeing to Canada, and the enemy is soon expected in force. "Only thirty-nine levies are as yet come up, and we

<sup>1</sup>The articles of union between New York towns and Vermont had been agreed to in the Cambridge convention four days before.

have not above one hundred and fifty [in the whole] and none are expected. I cannot, in justice to myself and family, any longer risk my property here, and intend to remove unless I receive letters this day announcing the approach of more troops." "It is a mortifying reflection that so fine a country must be abandoned for want of men and provisions."

*General Schuyler, at Saratoga, to Governor Clinton.*—No. 3735.

May 21. The inhabitants will all leave if he does, and he has concluded to remain "a few days longer, hoping for more troops."

On the same day gen. Schuyler sent to gen. Washington a copy of the following letter, treating lightly the intimated danger to himself, and expressing a doubt whether Allen was sincere, or intended to divert Schuyler from inquiries which Allen might suspect he was making.

*Ethan Allen to General Schuyler.*<sup>1</sup>

BENNINGTON, 15 May, 1781.

A flag which I sent last fall to the British commanding officer at Crown Point, and which was there detained near one month, on their return gave me to understand that they, [the British,] at several different times, threatened to captivate your own person; said that it had been in their power to take some of your family the last campaign, [during Carleton's invasion in October, 1780, probably,] but that they had an eye to yourself.<sup>2</sup> I must confess that such conversation before my flag seems rather flummery than real premeditated design. However, that there was such conversation I do not dispute, which you will make such improvement of as you see fit. I shall conclude with assuring your honor that notwithstanding the late reports, or rather surmises, of my corresponding with the enemy *to the prejudice of the United States*, it is wholly without foundation.

I am, sir, with due respect, your honor's obedient and humble servant,

ETHAN ALLEN.

*To General Schuyler.*

*General Schuyler to General Washington.*

May 22, 1781. [Abstract.] Laments the various distresses his excellency labored under "from the tardiness of the state in

<sup>1</sup> *Ethan Allen Papers*, 351 a.

<sup>2</sup> August 8, 1781, general Schuyler gave to Washington the particulars of an actual attempt to take him prisoner. — *Life and Writings of Washington*, Vol. VIII, 129, note.

furnishing the supplies for the army ;” transmitted information from a pretended deserter ; reported intelligence that four thousand British had come to Crown Point or Ticonderoga, and added :

“ Of the [New York] state troops only about forty-five have yet appeared. We are to expect [no] more from the east side of the Hudson river, for twenty-five miles below this [Saratoga,] a convention which has been held there [Cambridge] have agreed to a union with Vermont, and have published a resolution that no distress should be made under the authority of New York from any delinquent class.<sup>1</sup> Ethan Allen, in a late conversation with major McCrackan, formerly Van Schaick’s regiment, declared he would neither take assistance from nor give any to New York, and I really believe he will do as he says.”<sup>2</sup>

*Extracts from a letter in Dr. [George] Smith’s handwriting, enclosed in General Schuyler’s letter to General Washington, dated May 24th, 1781.*<sup>3</sup>

#### STATE OF VERMONT.

The opinion of the people in general of this state [New York] is that its [Vermont’s] inhabitants are artful and cunning and full of thift [shift ?] and design. About fifteen days ago, Col. Allen and a Maj. Fay was in Albany. I made it my particular business to be twice in their company, at which times I endeavored to find out their business ; and on inquiring, I understood from Col. Allen that he came down to wait on Governor Clinton, to receive his answer to a petition which the people of Vermont had laid before the assembly ; that he had been twice at the governor’s lodgings, and that the governor refused to see or to speak with him. Allen then said he might be damned if ever he could court his favor again. Since that time they have petitioned the eastern states to be in their confederacy, to no purpose. I heard Allen declare to one Harper that there was a north pole and a south pole, and should a thunder-gust come from the south, they would shut the door opposite that point and open the door facing the north 8th May.<sup>4</sup> By this time it is expected they will be friendly to their king. Various opinions about their flag.

<sup>1</sup> In New York, taxes were imposed and militia raised by heads of “Classes.”

<sup>2</sup> *Ethan Allen Papers*, 353. <sup>3</sup> *Same*, 349 a.

<sup>4</sup> Whether Allen named that day, or whether it is Dr. Smith’s date to the lines following, may be doubted.

*John Williams to Gov. Clinton.<sup>1</sup>*

WHITE CREEK, (Salem,) June 5, 1781.

1781.  
June 5. Extracts: Nothing but Yorkers and Vermonters is talked of, even by boys and youngsters. This is the only district [in the New York towns annexed to Vermont] which has voted for New York, and I expect Vermont will exercise jurisdiction over it in a few days. \* \* If nothing is done by this State [New York] soon, we shall be compelled to submit ourselves to the jurisdiction of Vermont, and what the consequences of it will be God only knows. \* \* Nothing is scarcely talked of but the bad conduct of the legislature and administration of government in this State [New York]; no troops on the frontiers, no provisions nor no money, nor have the men got ammunition, although an alarm is every day expected. Cambridge regiment is sufficiently supplied with that article *from Vermont*, and last week, I am told. Some of this [White Creek] regiment got ammunition yesterday *in the above way*. Has himself furnished provisions to a large amount and yet has had no pay.

*Gov. Chittenden to Gen. Washington.<sup>2</sup>*

1781.  
June 18. [Fragment.] I do now, in behalf of those distressed captives, (who are principally citizens,) request your excellency to grant me a sufficient number of prisoners of equal rank to redeem those I have above mentioned as soon as I shall furnish a list particularly, which shall be immediately done, when I learn that this shall meet your excellency's approbation, which I flatter myself will, when I consider that I have delivered over to the United States more than four times the number which I have occasion for by this request.

Sent by Capt. Brownson.<sup>3</sup>

IN GENERAL ASSEMBLY: June 18. *Resolved*, that an inquiry be made into the grounds of the report of a treaty with Canada, &c., to-morrow morning, when the committee of the whole meets.

The journal of the next day notes the fact of a session in committee of the whole, but does not give the proceedings therein. Ira Allen's account is as follows:

<sup>1</sup> *Clinton Papers*, No. 3758.

<sup>2</sup> *Washington Letters*, in *State Department*, Vol. L.

<sup>3</sup> Washington informed Capt. Brownson that he could not countenance a cartel settled by Vermont with the governor of Canada. See *Letter to Roger Enos*, July 9, *post*.

The Governor and Council attended in the Assembly, and resolved both Houses into a Committee of the Whole, when the Governor proceeded to state the facts; that in consequence of application from several persons, praying that some measures might be taken to procure the exchange of their friends, who were prisoners in Canada, in the recess of the Legislature, he had, with the advice of the Council, appointed and authorized Colonel Ira Allen to go to Isle-aux-Noix to settle a cartel for the exchange of prisoners, in behalf of the State. That Colonel Allen went to the Isle-aux-Noix, where he met the British Commissioners, and with difficulty had completed the business, in behalf of Vermont, though no such exchange had taken place with the United States, or any other State in the northern department; that if the grand Committee wished for further particulars, respecting the mission and conduct of Colonel Allen, he was then present and could best inform, to whom he referred them.

The Committee then requested Colonel Allen to inform them respecting his commission, and what effects it had produced. Colonel Allen rose, and observed to the Committee, that he had received an appointment and commission from the Governor and Council, to go and settle a cartel with the British, in Canada, for an exchange of prisoners; that he had very happily succeeded in his mission, and made his report to the Governor and Council; but not expecting to be called on by the Committee, had left the commission and all the papers at home; nevertheless, was ready to give a verbal statement of the whole transactions, or, if more agreeable to the Committee, he would, by leave of the Governor and Council, go home, and produce the writings for the inspection of the Committee next day. The Committee desired Colonel Allen would lay the papers before them the next day.

Accordingly he attended the Committee with the papers, and made a short verbal statement, that the papers might be the better understood; they were read, and on the whole it appeared, that the British had shewn great generosity in the business. Colonel Allen then rose and stated sundry things, which occurred while he was in Canada, and mentioned that he had discovered among the British officers a fervent wish for peace; and that the English Government was as tired of the war, as the United States; then concluded with a desire, that if any member of the Committee or auditor in the gallery, wished to ask any further questions respecting the business, he was ready to answer them.

All seemed satisfied that nothing had been done inconsistent to the interest of the States; and those who were in the interest of the United States paid their compliments to Colonel Allen, for his open and candid conduct. In the evening he had a conference with the Canadian spectators on the business of the day, and they



appeared to be as well satisfied as those from the neighboring States and Vermont. Is it not curious to see opposite parties perfectly satisfied with one statement, and each believing what they wish to believe, and thereby deceiving themselves!<sup>1</sup>

*Certificate for the Protection of Colonel Ira Allen.*<sup>2</sup>

STATE OF VERMONT, June, 1781.

Whereas Col. Ira Allen has been with a flag to [the Province of] Quebec for the purpose of settling a cartel for exchange of prisoners, and has used his best policy by feigning or endeavoring to make them believe that the state of Vermont had a desire to negotiate a treaty of peace with Great Britain — thereby to prevent the immediate invasion or incursion upon the frontiers of this state, as appears by the letter he sent to Gen. Haldimand dated May 8, 1781,<sup>3</sup> enclosing a copy of Col. Beverly Robinson's letters to Gen. Ethan Allen and Gen. Allen's letter to Congress, and the resolutions of the Assembly of Vermont approbating the same, as also the circular letter to the several states delivered to Dundas, according to his verbal report made to us this day:—We are of the opinion that the critical circumstances this state is in, being out of the union with the United States and thereby unable to make that vigorous defense we could wish for—think it to be a necessary political manœuvre to save the frontiers of this state.

JONAS FAY,

SAMUEL SAFFORD,

SAMUEL ROBINSON,

JOSEPH FAY,

THOMAS CHITTENDEN,

MOSES ROBINSON,

TIMOTHY BROWNSON,

JOHN FASSETT.

At the time of col. Allen's report to the general assembly, of the negotiation for an exchange of prisoners, two or more British agents or spies were at Bennington seeking information. Their reports follow.

*H.—Report of a British Agent.*

(COPY.) [June.] Mr. \* \* \* \* reports that he broke out of Northampton Jail the 23d of last December, [1780,] and got into New York the 10th of January, and on the 5th of February was sent to General Allen with letters from Colonel Robinson, and

<sup>1</sup> *U. Hist. Coll.*, Vol. I, 427, 428.

<sup>2</sup> *Early History*, 363. Probably this paper was given June 13, the General Assembly having met on that day.

<sup>3</sup> May 11 perhaps. No letter of the 8th from Ira Allen has been found. See account of the interview of May 8—*ante*, 109.

arrived in Arlington on the 23d of February ; returned again to York the 18th of March, without any order from Allen. After his arrival Mr. \* \* \* came in with a letter from Allen to General Clinton, with proposals (as was reported) to join Britain, provided they could have their Eastern and Western New frontiers confirmed as part of Vermont. On the 28th of May Mr. \* \* \* \* was sent out with another letter from Colonel Robinson to Allen, which he has left with a trusty man to deliver to him. Was in Bennington when Colonel [Ira] Allen returned from Canada, and employed Mr. \* \* \* \* to find out what report [Ira] Allen made, and the resolution of the Council in consequence of his report ; but from many hints that he gathers from the leading men, he suspects that General Allen is gone to solicit forces from Connecticut and Massachusetts to ensnare General Haldimand's troops if possible. Colonel Robinson and Colonel Stafford both declared to Dr. Fay that they did not approve of the correspondence between Vermont and Canada, and they would sacrifice themselves and all the forces they could raise rather than come to any settlement separate from the other states. Captain Lyon (one of the Council) told \* \* \* \* that Governor Chittenden would settle with Britain if the present leading men in Vermont were allowed to continue such under Britain, their old and new grants confirmed—the east and west new territories confirmed—all their laws and acts confirmed and nothing revoked ; that the Tories' Farms must (he supposed) be given up to them : but Vermont would not make good any other damage to them. The Governor said those were the only terms Vermont would agree to, and if General Haldimand would not agree to them, it was the business of Vermont to spin out this summer in truces, and in the mean time fill their magazines as fast as possible with arms, ammunition and provision, by which, with the continual increase of the inhabitants, he hoped to be able next summer to defend Vermont against invasion from Canada. Mr. \* \* \* \* says a flag from Vermont will set off about the 17th of July for Canada.

*H.—Report of the party sent by the [British] Commissioners to learn the report of the rebel flag.*

[June.] A. and B. say that as soon as Colonel Allen returned, a select body of the Council was convened at Arlington, consisting of twelve men ; they sat three days, at the expiration of which General Allen was dispatched to Connecticut and Massachusetts. Colonel Allen's report to the Council was kept so profound a secret that no man of the king's friends nor of the rebels of high or low degree could come to the knowledge of a syllable

of it from the Council, except a few words dropped from Captain Lyon to the following purport, viz: Vermont would never make up the tories' losses, and if they could not settle with General Haldimand pretty much on their own terms, they would baffle him with flags and prolong the time till they were better able to oppose him. The people in general on the west side of the mountain are very jealous of the Allens, Fays and Chittendens; the rebels (who are the bulk of the people) suspect they are about to sell them, and these seem determined to sacrifice everything, rather than submit to any terms with Great Britain, short of independence, and the tory party suspect that the above leading gentlemen are endeavoring to lead the British troops into a snare, and then betray them to the Rebel troops. It is reported in that country that another flag will be sent from Vermont about the middle of July.

Indorsed: "Copy (No. 15.) Report of a party sent by the Commissioners to learn the reports of the Rebel flag."

H.—*President Weare, of New Hampshire, to the Delegates of that State in Congress.*<sup>1</sup>

(COPY.)

EXETER, June 20th, 1781.

*Gentlemen:*—Enclosed you have copies of three petitions from different towns in the county of Cheshire, by which you will see the embarrassed situation we are in, occasioned by the dispute relative to the New Hampshire Grants not being settled.

New Hampshire flattered herself that dispute would have been long since adjusted by Congress, and have been at great expense in sending agents to Philadelphia for that purpose. The amazing unexpected delay therein has been attended with the greatest mischief to the United States in general, and to the State of New Hampshire in particular. It has given an opportunity to many disaffected persons, who are the principal leaders in the disturbances, to do much injury, and who, it is said, and not without foundation, have entered into a negotiation with the enemy. In short, New Hampshire is brought into such a dilemma, and the Government thrown into such confusion by this delay in Congress, that it is impossible for her to comply with the requisitions of Congress, to any great degree, while this dispute remains unsettled; and it is in vain for them to expect it of her, as no supplies of men, money or provision can be collected at present from more than 3rds even of that part of the state which lies east of Connecticut River, and unless Congress brings matters to an immedi-

<sup>1</sup> Sent by Ira Allen to Haldimand in September.

ate issue, we cannot tell how far the contagion may run, but very much fear that the state will be very soon ruined, in a great measure, and not able to contribute farther towards the war. Therefore you are directed to lay this dispatch before Congress as soon as may be, and earnestly request that they would immediately take the matter under consideration, and make a final decision thereon without any further delay, as it is of much greater consequence than can be described.

I am, gentlemen, your most humble servant,

(Signed)

M. WEARE.

By order of the General Assembly.

*Hon. Sam'l Livermore, and John Sullivan, Esquires.*

*Secretary's Office, August 21, 1781.*

The foregoing is a true copy of the original, filed in this office.

GEO. BOND, *Dep'y Sec'y of Congress.*

IN GENERAL ASSEMBLY: June 22. A report, agreed to in committee of the whole, having been accepted by the house, to the effect that an annunciation be made to adjacent states of the late extension of the boundaries of this state; and that three delegates be appointed to repair to congress, with full power to propose to and receive from that body terms for an union of Vermont with the United States, to give whatever information may be desired, and to take seats therein when terms of union shall be agreed to—two candidates to be nominated by the members within the ancient limits of the state, and two by the members from each newly added territory: it was

*Resolved*, that this house will proceed, agreeably to the aforesaid report, to choose delegates to wait on congress, &c.

*Ordered*, that the members of the districts proceed immediately to bring in their nomination agreeable to said report; and the following nomination was returned by them, viz:

*Middle District*, . . . { Jonas Fay,  
Ira Allen, Esquires.

*Eastern District*, . . . { Bezaleel Woodward,  
Elisha Payne, Esquires.

*Western District*, . . . { Jonas Fay,  
Ira Allen, Esquires.

The ballots being taken, the Hon. JONAS FAY and IRA ALLEN, Esquires, and BEZALEEL WOODWARD, Esquire, were elected delegates aforesaid.<sup>1</sup>

<sup>1</sup> *Assembly Journal*, 1778-1784, 278, 282.

June 25, Gen. Washington wrote to Gen. James Clinton that the continental troops would be withdrawn from the northward as soon as a suitable number of militia should be sent to relieve them ; and on the same day he appointed Gen. Stark to the command on the northern frontier, from his "knowledge of, and influence amongst, the inhabitants of that country."<sup>1</sup> He added :

I rely upon it you will use your utmost exertions to draw forth the force of the country from the Green Mountains and all the contiguous territory. And I doubt not your requisitions will be attended with success, as your personal influence must be unlimited among those people, at whose head you have formerly fought and conquered with so much reputation and glory.<sup>2</sup>

IN COUNCIL: June 29. *Resolved*, That warrants be issued and directed to the respective sheriffs in this State, to collect the British prisoners which may be found within the limits of this State, and cause them to be safely conveyed to head-quarters at Castleton, by the 10th day of July next.

*Resolved*, That Joseph Fay, esquire, be and he is hereby appointed commissary-general of prisoners for this State, and that his excellency the governor be requested to make out a commission for that purpose.

Whereas it has been represented to this council that there is not a supply of provisions in store for the use of the troops of this State ; and whereas it is found impracticable to prepare the same :

Therefore *Resolved*, that the secretary be and he is hereby directed to issue his warrants in behalf of the governor and council to the commissary-general to seize such quantities of provisions as necessity may require for the support of the troops of this state, and from such persons only as have more than their families use, for which a reasonable price must be given.<sup>3</sup>

June 13-29. Among the acts of the June session of the general assembly were the following, touching the political and military affairs of Vermont :

<sup>1</sup> *Life and Writings*, Vol. VIII, 82.

<sup>2</sup> A note to this letter in *Memoir of Stark*, 212, states that an expedition against Cornwallis was then in secret contemplation, and that the withdrawal of the continental troops from the north was for that purpose. It cannot be, therefore, that Washington had any doubt about the aid of Vermont, either to keep Haldimand idle, or to resist him if he should make an incursion.—See *Letter of Washington to Stark*, Aug. 16, 1781, *post*.

<sup>3</sup> *Council Journal*, 1781 to 1784, 20.

An act for the purpose of forming the Western Territory, lately taken into union with this state, into townships, and for annexing it to the counties of Bennington and Rutland.

An act directing the holding town meetings in the Western Territory lately taken into union with this state, and directing the listers in said territory in their office and duty.

An act to prevent the transportation of provisions out of this state. [Otherwise, the preamble stated, it would be difficult, if not impossible, to provide for the troops in the service of the state, and likewise the inhabitants would be put to great difficulty, &c.]

An act to empower the Heads of Classes in the Western District to tax the members of said class. [This continued the New York system of taxation in that district for the time being.]

An act for the purpose of making up the depreciation of the continental money to colonel Warner's regiment, and captain Lee's company.

An act for detecting and discouraging desertion.

An act to suspend prosecutions against Isaac Tichenor, esq., late commissary of purchases for public purposes—[for the States of New Hampshire and Vermont, the purpose being to suspend the collections of notes given by him and his agents for such purchases, until the rising of the next general assembly, unless the said Tichenor shall have received public money to the amount due him for the purchases.]

It is a fact worth noting that, in 1781 as in the war of 1861--1865, Vermont encouraged the enlistment of men into the service by offering extra pay. The house journal of June 28, p. 291, contains this :

*Resolved*, That the treasurer be and hereby is directed to pay to Capt. Parmerlee Allen four pounds lawful money advanced pay for two months wages for each non-commissioned officer and soldier he shall enlist and have mustered in his company raising for the defense of the frontiers of this state ; and that the said captain Allen be and is hereby directed to pay the same to the said officers and soldiers respectively, and the said officers and soldiers be made accountable for the said two months pay.

H.—*Lord George Germaine to Gen. Haldimand.*

1781.  
July 7. No. 87. The Minister says—If we succeed at the southward, I shall not be afraid of a failure in our negotiation with the people of Vermont, for Washington must in that case make still further detachments from his army on

the Hudson's River, if not carry away the greatest part of it, and as General Haldimand will have a body of troops to throw in among them, their apprehension of the resentment of the Congress must be removed, and they will see it to be their wisest and safest course to declare for His Majesty, for I confess that I rely more upon their finding it to be for their interest than upon their loyalty, for their taking part with us.

*Gen. Washington to Gen. James Clinton.*—[Extract]

July 9. I can give no countenance to any cartel which may have been settled between the people of Vermont and the governor of Canada, and so I lately informed Mr. Chittenden<sup>1</sup> by an officer sent down by him to me.<sup>2</sup> I wish there may not be other business transacted under the cover of a flag from Vermont to Canada, besides the exchange of prisoners.<sup>3</sup>

*H.—Commission to Delegates sent to Congress by Vermont.*

July 10. (COPY.)

[L. S.] By His Excellency Thomas Chittenden, Esq'r Captain-General and Commander-in-Chief in and over the State of Vermont.

To the Honorable Jonas Fay and Ira Allen, Esq'rs, and to Bezaleel Woodward, Esq., Greeting.

Agreeable to a resolution of the General Assembly of this State passed at their session in June last, appointing you delegates in behalf of this state to repair to the American Congress with full powers to propose to and receive from them terms for an union of this State with the United States, and to transact any other matters at Congress which may be necessary for the welfare of this State, such terms of union or other treaty agreed on to be subject to the ratification of the Legislature of this State previous to their establishment; and you are to take seats in Congress as delegates in behalf of this State when terms of union shall be agreed on and ratified as aforementioned.

These are therefore to authorize and empower you, the said Jonas Fay, Ira Allen and Bezaleel Woodward, Esquires, or either two of you, to attend on the Honorable Congress of the United States of America as soon as may be, then and there to do and transact the business of your appointment.

<sup>1</sup> As Vermont was not recognized as a State by Congress, Washington never addressed Chittenden by his title as governor.

<sup>2</sup> Capt. Brownson.

<sup>3</sup> *Washington's Letters*, in State Dept.

Given under my hand and the seal of this State, in the Council Chamber at Bennington, this 10th day of July, A. D. 1781, and in the fifth year of the Independence of this State.

(Signed)

THOMAS CHITTENDEN.

By His Excellency's command.

(Signed)

JOSEPH FAY, *Secretary*.

H.—*Ira Allen to General Haldimand.*

(COPY.)

STATE OF VERMONT, Sunderland, )

July 10th, 1781. }

*Sir* :—This state has become the topic of discourse through the United States. Various are the conjectures and prognostications of the populace abroad. I have authentic accounts from Congress, that they spent several days last spring on the question of Vermont; that it was the sense of Congress (after lengthy debates) to make no determination respecting it this campaign, or to the end of the war. The Legislature of this state convened at Bennington in June last. By emissaries from the other states, or otherwise, the very great whigs in this state were much alarmed on account of neutrality, &c. When it was found on a political scrutiny, that there were a majority of that denomination, the Legislature, who together with the influence of some others that attended, crowded for an enquiry to know from whence the reports of neutrality, &c., originated, requesting that all papers that had passed to and from the province of Quebec, might be laid before the House, when the Governor, Council and Assembly resolved themselves into a committee of the whole for the aforesaid enquiry, and to determine on the expediency of sending agents to Congress. When I was called on for information, I affected a willingness to give them every information in my power, observing, that on my arrival from the Isle au Noix I exhibited my papers, &c., to the Governor and those of the Council that were there present, who appeared well satisfied with my proceedings; that not knowing that the Assembly would wish to see the papers, I had left them at home; that I was willing to give them a verbal account, or go and fetch the papers, as they might choose. When the committee adjourned, I went and fetched the papers, when the letters that had passed between Generals Haldimand and Chittenden, General Allen and Major Carlton, Major Dundas and myself were read, and I made a speech to the audience in such a manner as gave satisfaction to the spies from the neighboring states and the great whigs in this state, that there was no truce or neutrality intended by this state, yet that the British Governor was willing to grant Vermont charter privileges for a colony, if they would accept them; then it was agreed that three



agents should be appointed to attend on Congress with full power to make and receive proposals for articles of Union between the United States and Vermont, and to take seats in Congress ; when Jonas Fay, Ira Allen and Beza. Woodward, Esqrs, were elected, (it is to be observed that they are not all on one footing.) It is expected that said agents will make offers to Congress that will not be accepted, by which means those in favor of government will be able to evince to the people of this state that Congress means nothing more than to keep this state in suspense to the end of the war, and then divide the territory amongst the claiming states (which is doubtless the intention of many). This, together with such other matters as may be safely intrusted, will be in agitation before the next election.

These matters are ripening as fast as the nature of the case will permit. It is exceedingly difficult and somewhat dangerous attempting to change the opinion of large and popular Bodies, nor can any possible advantage arise by any of those in power to publish their sentiments in that respect until the proper crisis shall arrive, for this is a popular government and her officers annually elected by the suffrages of the people ; therefore carrying these matters in some measure under the Rose until the next election, when in all human probability a large majority of the then officers of the government will be well disposed, and then by the advantage of another denial from Congress and having the reins of government in their hands for one year, they will make a revolution so long wished for by many.

A very considerable part of the citizens of this state are emigrants from Connecticut, and would choose charter privileges similar to that government, and would expect to remain a reasonable time in a state of neutrality. However, I hope that there will be no difficulty on those accounts. General Allen has resigned and taken to his old studies, philosophy. General Bellows declined serving. Colonels Stafford<sup>1</sup> and Fletcher are elected in their steads. General Enos commands this state's troops in service. These three generals are acquainted with my proceedings at the Isle aux Noix, &c. The result of whatever may take place at Congress shall transmit to you. The agents are to set out on the first of August and will probably return the fore part of September. Request that the signal agreed on by Captain . . . and myself be continued, as that may be the best way of conveyance.

I am with sentiments of esteem, &c.

IRA ALLEN.

*To His Excellency, General Haldimand.*

<sup>1</sup> Safford ; repeatedly written Stafford in the *Haldimand Papers*.

Indorsed, "Copy (No. 18) of a letter from Colonel Ira Allen to His Excellency General Haldimand, dated Sunderland, 10th July, 1781. B."

*Certificate for the Protection of Colonel Ira Allen.<sup>1</sup>*

Whereas this state is not in union with the United States, although often requested, etc. This the British power are acquainted with and are endeavoring to take advantage of these disputes thereby to court a connexion with this state on the principle of establishing it a British province. From various accounts we are well assured that the British have a force in Canada larger than this state can at present raise and support in the field, and this state have no assurance of any assistance from any or either of the United States however hard the British forces may crowd on this state from the province of Quebec by the advantage of the waters of lake Champlain, etc. Although several expresses have been sent by the governor of this state to several of the respective governors of the United States with the most urgent requests to know whether any assistance would be afforded in such case. yet no official answer has been made to either of them.

Wherefore we the subscribers do fully approbate Col. Ira Allen sending a letter dated Sunderland, July 10, 1781, and directed to Gen. Haldimand, and another letter to Capt Justice Sherwood, purporting an intention of this state's becoming a British province, etc. This we consider a political proceeding to prevent the British forces from invading this state, and being a necessary step to preserve this state from ruin, when we have too much reason to apprehend that this has been the wishes of some of our assuming neighbors, in the mean time to strengthen the state against any insult until this state receives better treatment from the United States or obtain a seat in Congress.

THOMAS CHITTENDEN,	JONAS FAY,
JOHN FASSETT,	SAMUEL ROBINSON,
TIMOTHY BROWNSON,	JOSEPH FAY.

Immediately succeeding this document in the *Stevens Papers* was "Thomas Chittenden's commission to Allen and Fay to treat with the British."<sup>2</sup> Originally, 26 April 1781, Ira Allen and Isaac Clark had been appointed commissioners, and it is probable that by this commission Fay was appointed in place of Clark. He had been appointed commissary-general of prisoners on the 29th of the preceding month. That Allen and Fay were *not* authorized

<sup>1</sup> *Early History*, 366.    <sup>2</sup> *Index to Stevens Papers*, 26.

by this commission to close with Haldimand's proposals appears from the report of the British commissioners, 9th of August following, that Fay had "*no written instructions on the subject.*"

*Gen. Stark to Gen. Washington.*—[Extract.]<sup>1</sup>

DERRYFIELD, 15 July, 1781.

*Dear Sir:*—I now acknowledge the receipt of your letter of the 25th ultimo, which was delivered a few days ago. I shall set out for Saratoga the beginning of next week, and on my passage shall hold a treaty with the Green Mountain Boys. But not having seen, or been acquainted with those turbulent sons of freedom, for several years, I am at a loss to determine my reception; but hope it will be such as will tend to the general good. I shall endeavor to give a more particular account on my arrival at Saratoga.

July 18. Gov. Chittenden announced "the West Union" by a formal proclamation.

H.—*Sir Henry Clinton to General Haldimand.*

(COPY.)

NEW YORK, July 23d, 1781.

*Sir:*—On the 21st instant, I was honored with your two letters in cypher, dated the 6th and 21st ultimo. Those you mention to have forwarded by Ensigns Drummond and Prentice have never reached me, nor have I heard of those gentlemen being taken. I am therefore apprehensive that some worse misfortune may have befallen them.

If a re-union of Vermont with the mother country can be effected, it must be productive of happy consequences, but I confess I have my suspicion of those people, as well as your Excellency.

Rear Admiral Graves having ordered a convoy for Halifax and Quebec, General Roidesel, with a number of officers and men belonging to your army, embrace that opportunity of going thither, and they will take with them from Halifax the victuallers from Canada that were obliged to winter there.

Mr. Wier, my Commissary General, informs me that two very large victualling transports were selected at Cork by Captain Sharpe (the agent who had the care of our last fleet from thence) to replace the cargoes of four smaller ones of yours, which were made use of here, and as they were directed to proceed with the

<sup>1</sup> *Correspondence of the Revolution, Letters to Washington*, Vol. III, 353.

first ships for Quebec, I hope they will have reached you before this, and have relieved you from the distress which you was afraid you would experience for want of your usual supply reaching you in time.

I have not received the least information from home relative to the intentions of government with respect to your province, but the enclosed extract of a letter, which I received lately from the Minister, will show you what those of the Court of France are in regard to Canada.

By the next opportunity I shall send your Excellency such information as I can procure from General Arnold upon the subject you mention in your letter of the 6th ultimo; in the mean time, I beg leave to refer you to General Reidesel for information respecting the state of affairs here, and have the honor to be

Your Excellency's most obedient and most humble servant,

H. CLINTON.

*His Excellency, General Haldimand.*

P. S.—As His Excellency's Lieut. General Knyphausen is very anxious to have that part of his regiment which went to Canada returned here, if your Excellency will be so good to send them back, I will take care to replace them by an equal number as early as possible.

Indorsed: "Copy. Sir Henry Clinton K. B. to General Haldimand, July 23rd, 1781. E. No. 29."

*H.—Lord George Germaine to General Haldimand.*

(COPY. No. 33.)

WHITEHALL, [London,] }

DUPLICATE.

26th July, 1781. }

*Sir*:—The victuallers which have on board the latter part of the supply of provisions intended to be sent to Canada this year being now ready at Cork, the Cerberus Frigate has received orders to proceed thither without waiting for any trading ships, and take them under her convoy. She will also call off Plymouth for the Lady Townsend ordnance store ship, which sailed with the last fleet, but having sprung a leak was obliged to put back and is now refitted. I therefore avail myself of the opportunity to acquaint you that your dispatches numbered from 83 to 88, have been received and laid before the King.

The caution you used in these dispatches was certainly very proper, as the conveyance was so hazardous, and I am happy to find by them that the province had remained undisturbed by the rebels throughout the winter, and that you had found means to subsist the troops without subjecting the public to the exactions of interested individuals, notwithstanding the disappointment of the victuallers which were taken or lost their passage.

A very short time after your letters were dated you would receive most ample supplies of every species, for I had the pleasure to learn by letters from Admiral Edwards that he had collected the whole of the outward-bound ships at St. Johns, and proposed escorting them with part of his squadron into the river St. Lawrence, where I have no doubt they all arrived in safety.

All the intelligence we had received of the designs of the enemy leave Canada out of their plan and therefore as you will have nothing to apprehend for the safety of the province, I trust you will appear in considerable force upon the frontier which will be the surest means to give efficacy to the negotiations with the Vermont people. Nothing indeed should be omitted to attach them to His Majesty and I can assure you that no expense that shall be found necessary for that purpose will be grudged. I am sorry that you should have cause to doubt their sincerity but I flatter myself that when they see a body of troops sufficient to protect them near at hand they will readily yield to the force of the weighty arguments you will have it in your power to urge. The private accounts which I have seen give me reason to understand that the New England Provinces had relinquished their claims to the whole of Vermont and that New York had allowed it to extend to the old boundary line of Connecticut which was 20 miles from the Connecticut River and that upon this ground Congress were willing to acknowledge Vermont so described a separate state.

The leaders in Vermont had however enlarged their demands upon this acquiescence in order as these accounts insinuate to prevent an accommodation with the Congress and insisted that their western boundary should extend to the Hudson's River and as low down as the mouth of the Mohawk, which has provoked New York and the treaty is broke off accordingly. If this information be well founded it affords good reason to believe the leaders really mean to close with you at a proper time, and I should make no difficulty of recommending to His Majesty the extending of the boundary to the Hudson's River as it perfectly corresponds with my views of cutting off the communication between the eastern provinces and Canada by the interposition of the new province between them and the diminution of the former by its being wholly taken out of them.

The minister having desired me to send you such extracts from his dispatch No. 33, (a duplicate of which I received by the last packet) the foregoing is all that appears necessary.<sup>1</sup>

NEW YORK, Dec. 16th.

I refer to General Robertson's letter for news.

*General Haldimand.*

<sup>1</sup> This dispatch seems to have been sent to Clinton for Haldimand.

Indorsed, "Copy of extract of Lord George Germaine's letter to Governor Haldimand sent overland by Nathaniel Wales, the 16th of December 1781;" also sent a duplicate and triplicate overland.

*Ezra l'Hommedieu (in Congress) to Gov. Clinton.*—[Extract.]<sup>1</sup>

July 31. Some intercepted letters from Lord George Germaine on this subject [Vermont] and the solicitations of New Hampshire, it is said, induced them [congress] to take up this business without a representation from New York. The plan is, which is a report of a committee, to recommend it to New York and New Hampshire to relinquish their jurisdiction, or to consult on the propriety of doing it, to the state of Vermont, according to her former claims—the Massachusetts having already passed a law for that purpose, provided the other states would do the same. This report being the order of the day was recommitted. This plan probably might in some degree exculpate congress from blame, and they might refer the sufferers to the state, who had voluntarily relinquished their jurisdiction, for compensation for their lands. 'Tis said a person from our state [New York] lately informed some members of congress that a majority of the assembly and a greater part of the senate were in favor of granting their independence. Probably this might have some effect.

H.—*Extracts of letters from Agents for negotiating with the people of Vermont.*

1781.  
Aug. 2-18. 2d August, '81. We have very cautiously perused Allen's letter and compared it with the general intelligence and with his conduct at the Isle au Noix. We find ourselves perplexed and much at a loss what to think of him. If he is sincere and his declaration to the General be truth, he is the only proper person to be sent to Congress to make proposals, which, if sincere, he will not fail to do in terms he is sure will meet with such a denial as will alienate the minds of the Vermont populace from that rebellious Assembly and incline them to place confidence in their leaders, and look to General Haldimand for protection. On the other hand the apparent studied style of Allen's letter does not appear to us like the undisguised sentiments of an honest heart.

9th. We have been busily employed with Major Fay. We are sorry to find him as unprepared as Colonel Allen was to close with the proffered terms. He has no written instructions on this subject owing (he says) to their not being able in the last Assem-

<sup>1</sup> *Clinton Papers*, No. 3862.

bly to procure a majority, although they came within two or three of it, and he is confident they will have a great majority in the next Assembly. He appears candid, sincere and open, and declares the Governor, Council and leading men are bringing about the revolution as fast as time and circumstances will permit; that nothing has been omitted that could be done with safety by the Governor, Council and well wishers to Government, who have entered into a written combination which they cause every one to sign that is let into the secret. This combination, with the doings of the last Assembly, the agents' instructions to Congress and any other papers or doings respecting this affair which His Excellency desires to see, Major Fay engages to forward by the first safe opportunity. In short, the Major expresses the greatest anxiety to remove every reason for suspicion. He laments that he could not be authorized by the voice of the people to close with the General's terms at this time. He avers that Colonel Allen's letter to His Excellency contains the true sentiments of the Governor and Council.

10th August. We have not spared pains, the short time Mr. Fay has been with us, to endeavour to find him out. He professes so much honesty, accompanied with so many gestures of sincerity, that he seems to overact his part. He certainly is perfectly honest, or a perfect Jesuit, we have too much reason to fear and believe the latter; however, it appears plain that he wishes to continue the negotiation till next November, for what reason is uncertain. He declares solemnly that they will be then able to join us, &c. Allen declared the same would happen in July; to us it appears they wish to have two strings to their bow, that they may choose the strongest, which they cannot determine till Mr. Washington's success in the present campaign shall be known. We do not think Vermont expects by procrastinating to strengthen herself as a state, but we believe sincerely they design to secure to themselves this campaign from invasion of King or Congress, by spinning out the summer and autumn in truces, cartels and negotiations, by the expiration of which they expect to hear the result of the negotiation at Vienna, and other matters by which they may be enabled to judge of the strongest side, the only motive (we believe) by which they are influenced.

Major Fay's private letter to the General is perfectly of a piece with his conversation. Should His Excellency have a better opinion of Vermont from Fay's letters than we have from his conversation, we shall be happy in having made a mistake on the right side, for our fears at present are that we shall be too much inclined by our anxious wishes for Vermont to believe what is said in favor of her reformation.

15th August. If the enclosed report is true, it plainly shows that notwithstanding the present negociation and pretended sincerity of the Vermonters, they are as ready as they ever were to assist their rebel neighbors. We have hinted this to Major Fay, but he positively declares it is an untruth and that Vermont never will assist New York on any pretence whatever. We have read to him that part of your letter mentioning His Excellency's determination steadily to pursue the candid system avowed to Colonel Allen and promised by him to be adopted by the leading men in Vermont, to which he observed, it was expected General Haldimand would be somewhat impatient, as he was not acquainted with the difficulties and necessary delays attending large and popular bodies, situated as they are, in bringing about a revolution, but he hoped the next October Assembly would clear all doubts.

18th. Ct. B's. report will be communicated to you. It differs essentially from that of . We have acquainted Major Fay with as much of the intelligence as we could with propriety, and his observations serve more to evince his candour and sincerity than otherwise. He wishes much that we should meet him at East Bay in about ten days after his return, where he engages to give us a correct account of the reception his report shall meet with, and to give us any other accounts or papers that may be thought necessary to reflect light on the negociation. We have of late entertained hopes of success, but that shrewd old gentleman Mr. ———, giving his opinion as he has, staggers us much, still we have charity for the leading men, but have too much reason to fear their influence is not sufficient to bring about the rebel populace. In this our fears are strengthened when we consider that the majority of those leaders were men of low character and no consequence in the country until they made themselves popular in the present rebellion by actions at which a man of honor and integrity would revolt. Upon the whole it appears to us that interest, not loyalty, induces the leading men to wish a union with Canada; that about one fifth part of the populace wish it from the same motive, near another fifth from principles of loyalty, and that the remainder are mad rebels under very little, if any, subjection to their nominal leaders, and so accustomed to domineer over those, who from any motive whatever wish favorably to the King's Government that the latter dare not make known their wishes in public.

Indorsed: "1781. (No. 21.) Extracts of letters from agents for negotiating with the people of Vermont."



*H. — General Haldimand to Sir Henry Clinton.*

(COPY.)

QUEBEC, August 2nd, 1781.

*Sir:*—The difficulty and uncertainty of communicating with your Excellency I have always much regretted. It is peculiarly distressing at a time when there is every reason to believe some serious attempt against New York or this Province is in agitation, which early intelligence might avert. Uncertain as the present conveyance is, I eagerly embrace it to give this dispatch a chance of reaching your Excellency. It goes by a very small vessel, whose insignificancy and fast sailing are my only dependence. The most which can happen is the disappointment I shall feel should you not receive it, for it never can fall into the enemy's hands, as I shall commit it to the care of an intelligent man, in whose approved fidelity I have unbounded confidence. He will keep it always about him, and if necessary sink it. I am particularly anxious that your Excellency should receive this letter, as it will fully communicate to you my whole transactions with Vermont to the present date, which never could have been done by safer. Tho' I gave you a general idea by that means, dated the 6th of June, a duplicate of which I have here enclosed, and I have now the honor of transmitting to your Excellency the proceedings with the flag therein mentioned from No. 1 to 17, a reference to which will be more satisfactory than enlarging upon the subject in this letter.

I have perused, with much attention, your Excellency's letter upon it of the 8th of May, and I am aware of the danger you suggest, in not yielding to the delays they require, but from the best information I can procure, concurring with suspicions of which I cannot divest myself, the alternative is infinitely more to be apprehended. There is no doubt they are industriously and with success forming magazines and raising men; these they avow are for the purpose of defending themselves against whatever power shall invade them. They have likewise acknowledged a preference for Congress, provided they are admitted in alliance as a 14th state. The necessity of a compliance with this demand is obvious and must take place as soon as Vermont is in strength to assert it, for without her assistance or assent nothing can be carried on against this province by that route, and the obstacle will equally affect us in acting against the colonies. If this contest should evidently point to a favorable termination for Great Britain, Vermont will become loyal, and offer assistance we shall not stand in need of; but if unhappily the contrary, she will declare for Congress, being actuated as well by interest as a heartfelt attachment to their cause. In six months she will be a respectable ally to

either side ; these considerations induced me to press that people to come to a speedy determination, and it appeared to have the desired effect with Ira Allen when here ; an intelligent person was sent to wait his return, that I might be informed of the report he made ; that knowledge could not be obtained, but the opinion of the friends to government in consequence of it I transmit to your Excellency, marked A. This, and similar reports, give strength to my suspicions. The flag promised by the 20th July is just arrived and by it a letter from Ira Allen marked B.<sup>1</sup> It is fraught with much sincerity, or much duplicity. The latter I fear is the real sense of it, which I am the more inclined to think from his not coming with the flag. Bad as he may be, he could not stand the test of the discovery this interview must lead to, but I shall not detain my letter until arrival of the post to inform your Excellency what Major Fay, who conducts the flag, has to propose.

From your Excellency not having received any dispatch by Ensign Drummond, and an account lately received here that pieces of a wreck, a light infantry cap and uniform, and other matters with which the vessel he sailed in was loaded, being found upon the Magdalen Islands, I fear that gentleman unfortunately perished. As Ensign Prentice of the 84th sailed at the same time, by him I sent duplicates. We hear that he was cast away, and it is probable my dispatch lost. I therefore send you a triplicate of one of my letters ; the rest related to the situation of affairs at that time, now altered, and the letters of no consequence.

Various scouts have brought a report from the colonies that a part of the French army, on their way from Rhode Island, with some Connecticut troops, were completely routed by your Excellency on White Plains. I sincerely hope it may prove authentic, as it will probably frustrate the design against New York currently reported here.

In regard to affairs in this Province, the prospect of a want of provisions is an alloy to every pleasure I should derive from my exertions in defense of the Provinces, or in projecting measures to act offensively, should the exigencies of the service demand a diversion in your favor, or any other movement in force. I am now living upon a cargo which fortunately arrived from Cork to a merchant here, about a fortnight ago ; this is but a temporary relief ; the season for westerly winds is set in, and we have not heard a word of our expected fleets. There are five or six stout Privateers cruising in the Gulf, and there is too much reason to fear all our victuallers, should they get so far safe, cannot escape their vigilance. There is no great quantity of last year's grain remaining in the country, (that sold at an extravagant price,) and

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<sup>1</sup> *Ante*, 142-144.

the present crop considerably injured by catapillers. The hay so much so that the inhabitants are disposing of and killing their cattle. This is a momentary advantage, but its bad consequences will be severely felt in the spring.

I have the honor to be, &c., &c.,

(Signed)

FRED. HALDIMAND.

Indorsed: "Copy General Haldimand to Sir Henry Clinton K. B. Quebec, 2nd August, 1781. 41."

H. — *Sir Henry Clinton to Gen. Haldimand.*

NEW YORK, August 2d, 1781.

*Sir* : — Having wrote to your Excellency on the 23d ultimo, by General Reidesel, I have little now to add, but to acquaint you that he sailed from hence a few days since for Canada with a considerable number of officers and men belonging to the army under your command.

General Knyphausen being anxious to have that part of his regiment which was sent to Canada returned here, I mentioned in my letter by General Reidesel, that if your Excellency would send them back, I would replace them by an equal number as early as possible.

The French and Rebels only wait for a re-inforcement from the West Indies to make an attack upon this post, which I think they certainly will attempt upon its arrival, and it is hourly expected. I need not therefore say of how much importance a diversion upon the frontiers of this province and the speedy decision of Vermont in our favor would be.

The enemy's force opposed to me in this quarter is about 4000 french and 7000 rebels. The latter do not increase very fast, though it is a favorite object, what they now meditate.

H. — (COPY.) *Memorial of the Delegates of New York to Congress.*

*To the United States of America in Congress assembled :*

(Aug. 3.) The underwritten delegates for the state of New York have the honor, in obedience to an express instruction from the Legislature of the state of New York, to represent, that on the 24th of September, 1779, it was unanimously resolved by Congress that it be most earnestly recommended to the state of New Hampshire, Massachusetts and New York (among other things) forthwith to pass laws to refer to the decision of Congress all differences and disputes relative to jurisdiction over the district called the New Hampshire Grants, which they respectively had

with the people of that district, so that Congress might proceed thereon on the first day of February then next, and Congress did thereby pledge their faith to carry into execution and support their determination and decision in the premises.

That Congress having declared it to be essential to the interests of the whole Confederation that all intestine dissensions be carefully avoided, and domestic peace and good order be maintained, it was further unanimously resolved: that it was the duty of the people of the district aforesaid who denied the jurisdiction of all the aforesaid states, to abstain in the meantime from exercising any power over any of the inhabitants of the said district who profess themselves to be citizens of, or to owe allegiance to, any or either of the said states, but that none of the towns either on the east or west side of Connecticut River were to be considered as included within the said district, but such as had heretofore joined in denying the jurisdiction of either of the said states, and had assumed a separate jurisdiction which they called the state of Vermont; and further, that in the opinion of Congress the three states aforesaid ought in the mean time to suspend executing their laws over any of the inhabitants of the said district, except such of them as profess allegiance to and confessed the jurisdiction of the same respectively; and further, that Congress would consider any violence committed against the tenor, true intent and meaning of that resolution as a breach of the peace of the Confederacy, which they were determined to keep and maintain. And it is further resolved unanimously, that in the opinion of Congress no unappropriated lands or estates which were or might be adjudged forfeited or confiscated, lying in the said district, ought, until the final decision of Congress in the premises, to be granted or sold. That in pursuance of the said recommendation the Legislature of the state of New York passed a law fully authorizing Congress (among other things) to hear and determine all differences and disputes relative to the jurisdiction between the state of New York and such of the inhabitants of that part of the said district which lies on the west side of Connecticut River as denied the jurisdiction of that state; and that the said decision being duly made and published, should be and remain final and conclusive against that state forever. That in conformity to the said resolution, law and at great expense, the state of New York made the necessary preparations for supporting their territorial rights, and similar steps were taken on the part of the state of New Hampshire. That on the 19th of September, '80, all the parties concerned in the said controversy (Massachusetts Bay excepted) attended, namely: the delegates and agents from the states of New Hampshire and New York respectively, Ira Allen and Stephen Bradley in behalf of the people of the Grants claiming a

separate and independent jurisdiction, Luke Knowlton, agent in behalf of a number of towns within that part of the said district known by the name of the county of Cumberland, and Peter Olcott and Bezaleel Woodward, agents for the towns in the northern parts of the said district on both sides of the Connecticut River, and the delegates as agents for the state of New York, laid before Congress evidence with an intent to prove that the district known by the name of the New Hampshire Grants on the west side of the Connecticut River is within the limits of the state of New York; that the state of New Hampshire had acknowledged this, and that the people of the said district had been represented in the Legislature of New York since the year 1764, and submitted to the authority, jurisdiction and government of the Congress and Convention of the said state till late in the year 1777, and therefore have no right to a separate and independent jurisdiction. That on the 27th of the same month, all the parties being present except Messrs. Allen and Bradley, agents for the people of the Grants claiming a separate and independent jurisdiction, who, although duly notified, declined any further attendance, the agents of the state of New Hampshire proceeded to offer evidence tending to prove that the tract of country known by the name of New Hampshire Grants was within the state of New Hampshire, and that therefore the people inhabiting the said tract of country can have no right to a separate and independent jurisdiction. That Luke Knowlton, agent in behalf of part of the county of Cumberland, within the said district, and Peter Olcott and Bezaleel Woodward, agents from the towns in the northern parts of the New Hampshire Grants on both sides of Connecticut river, being respectively called upon and having nothing to add, and pressing Congress to come to a determination, withdrew. That the delegates of the state of New York have repeatedly entreated Congress to decide the matters in question respecting the claim of an independent state, set up by some of the inhabitants of the district aforesaid, but a decision hath hitherto been deferred. The underwritten delegates are further instructed to represent that the state of New York, in compliance with the resolutions of Congress before recited, have hitherto suspended the execution of their laws over any inhabitants of the said district, except such as professed allegiance to, and professed the jurisdiction of, the same, and have refrained from granting any lands within the said district. The inhabitants who deny our jurisdiction, on the contrary, have strengthened their party by disposing of those lands, and exercising force to compel their neighbors, within the said district, who profess themselves to be citizens and to own allegiance to the state of New York, to submit to their authority, and in violation of the express resolutions of Congress, have passed acts to include

with their assumed jurisdiction several considerable districts extending westward from the claim they set up at the time of passing the said resolution, to the middle of Hudson's River. That their high-handed encroachments have greatly interrupted the raising of levies and supplies within the state of New York for the support of the war, and must be productive of further weakness and disorder, and render the said state, already greatly exhausted and desolated, altogether unable to contribute to the common cause. From these weighty considerations the underwritten are expressly instructed by the Legislature of the state of New York to urge Congress, agreeable to their said resolutions and engagements, to decide the controversy so long subsisting respecting the claim of independent jurisdiction set up under the pretended state of Vermont, and to take measures in the meantime for restraining the encroachments of the said inhabitants, at least within the bounds which they themselves, till the late extraordinary extension, considered, represented and claimed as comprehending the New Hampshire Grants. The underwritten do therefore, by this public act, (which they pray may be received amongst the records of the United States,) make known the just expectations and earnest request of the Legislature of the state of New York, declaring their readiness to lay before such of the members of Congress as may be uninformed, satisfactory evidence of the title of New York to all that part of the controverted district which lies on the west side of Connecticut River.

Done at Philadelphia, in obedience to the express instruction of the Legislature of the State of New York, the 3d day of August, 1781, and in the sixth year of our Independence.

(Signed)

JAMES DUANE,

EZRA LE HOMMEDIEU,

*Delegates for the state of New York and agents  
in the controversy referred to.*

SECRETARY'S OFFICE, CONGRESS, }

August 21, 1781. }

The foregoing is a true copy of the original filed in this office.

(Signed)

GEORGE BOND,

*Deputy Secretary of Congress.*

Indorsed, "No. 23. Memorial of the delegates of New York to Congress, 3d August, 1781."

H.—*Resolutions of Congress on Vermont.*

(COPY.)—By the United States in Congress assembled, August 7th, 1781:

Whereas, the states of New Hampshire and New York Aug. 7. have submitted to Congress the decision of the dispute between them and the people inhabiting the New Hampshire Grants, on the west side of Connecticut River, called the state of Vermont, concerning their respective claims of jurisdiction over said territory, and have been heard thereon. And, whereas, the people aforesaid claim and exercise the powers of a Sovereign Independent State, and have requested to be admitted into the Federal Union of the United States of America. In order thereto, and that they may have an opportunity to be heard in vindication of their said claim :

*Resolved*, that a committee of five be appropriated to confer with such person or persons as may be appointed by the people residing on the New Hampshire Grants on the west side of Connecticut River, or by their representative body, respecting their claim to be an independent state, and on what terms it may be proper to admit them into the Federal Union of these states, in case the United States in Congress assembled shall determine to recognize their independence, and thereof make report.

And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent, or agents, to repair immediately to Philadelphia, with full powers and instructions, to confer with the said committee on the matters aforesaid, and on behalf of the said people, to agree upon and ratify terms and articles of union and confederation with the United States of America, in case they shall be admitted into the Union. And the said committee are hereby instructed to give notice to the agents of the states of New Hampshire and New York to be present at the conference aforesaid.

*Resolved*, that in case Congress shall recognize the independence of the said people of Vermont, they will consider all the lands belonging to New Hampshire and New York respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation, and that the United States will accordingly guarantee such lands, and the jurisdiction over the same, against any claims or encroachments from the inhabitants of Vermont aforesaid.

8th August, 1781. Congress proceeded to the election of the committee mentioned in the foregoing resolution.

The members, Mr. Boudinot, Mr. Van Dyke, Mr. Carroll, Mr. Montgomery, Mr. Randolph.

Extract from the minutes.

(Signed,)

GEORGE BOND, *Dep'y Sec'y.*

The resolutions of Congress of the 7th of August were sent to gov. Chittenden by gen. Washington, by a special messenger — capt. Ezra Heacock, — who was also charged with a verbal inquiry, whether the people of Vermont would be satisfied with the independence suggested by the resolutions, or really designed to join the enemy. Gov. Chittenden conversed freely on Vermont affairs with capt. Heacock; assured him that the negotiation with Canada was to secure the state from invasion; that the people of Vermont were zealous supporters of national independence, and desired the admission of their state into the union; but that under no circumstances would they submit to the jurisdiction of New York: “that they would oppose this by force of arms, and would join with the British in Canada, rather than to submit to that government.” Capt. Heacock was requested to report these declarations to general Washington.<sup>1</sup>

H. — *Major Joseph Fay, Vermont Commissioner, to General Haldimand.*

(COPY. PRIVATE.)

ON BOARD THE ROYAL GEORGE, }  
LAKE CHAMPLAIN, 9th August, 1781. }

*Sir:* — Having done myself the honor to write you on the subject of an exchange of prisoners, I beg leave to address your Excellency on another subject more interesting and important for the mutual happiness and well-being of both parties, could the happy event be soon brought about. I have been favored with the perusal of sundry letters on said subject from you to Captain A. and B., as also conversing very freely with them. It give me pain to find any apprehensions in your Excellency's breast that the gentlemen of Vermont, who are all acquainted with your good intentions, are wanting in sincerity, and am, at the same time, sorry to mention the jealousies which arise from the distance you have been pleased to keep the proposals made to them through your Commissioners at different times, from which they are ready to conclude the design is no other than to involve Vermont in a war with the other states, and then they would become an easy prey.

I am happy to find by the letters shown me by your commissioners, that your good intentions toward the people of Vermont are honorable and upright. I am convinced for myself and would sincerely wish proper measures to be taken to remove every

<sup>1</sup> *Early History*, 377, 378. *Williams*, Vol. II, 220.



jealousy which may subsist on both sides, which, I am confident, your proposal and assurance of your having competent authority from the Court of Britain therefor would effect on the part of Vermont. I shall, however, acquiesce in your determination on that head. Colonel Allen's letter to you of the 16th ultimo, expresses nearly everything I can conceive interesting in the present negotiation, a repetition of which would be [un]necessary. I can only assure your Excellency that his letter expressed the sense of the Governor and Council, as I was present when it was read, and by them and General Allen approved. As Colonel Allen mentioned the three general officers being made acquainted with his proceedings, I need only mention that a number of other principal gentlemen are entrusted, whose influence will be very serviceable in bringing about the change of government hoped for in October next, and for the purpose of being assured of each others fidelity, on being acquainted with Colonel Allen's proceedings, freely subscribed their names to a paper declaring their approbation, which, together with any proceedings which concerns this subject, will be communicated at any time to you, or such as you shall substitute for the purpose, if the present proceedings meet your Excellency's approbation, which I hope to be honored with in your answer to this.

I wish it was in my power to remove every suspicion you may have against the good intentions of the people of Vermont, but I can only assure you of my own, and that I have not the least doubt you may rest equally assured of the sincerity of such of the others as are made acquainted.

I am not unapprised of your Excellency's anxiety to close the present negotiation, nor of your being much disappointed at my not being fully authorized for that purpose. I must entertain that good opinion of you, that you will not come into any hasty or unreasonable determinations. I refer you to Colonel Allen's letter aforesaid for the reasons why I was not fully authorized. Any instructions short of competent authority could only prove a deception, and consequently fatal. Captain A. and B. will be more particular to you in their letter.

I am, sir, your most obedient and most humble servant,  
(Signed) JOSEPH FAY.

*His Excellency, General Haldimand.*

Indorsed: "No. 19. — Copy of a letter (private) from Major Fay to His Excellency General Haldimand, dated 9th August, 1781, on Board the Royal George on Lake Champlain."

*Gen. Stark, at Albany, to Gen. Washington.*—[Extract.]<sup>1</sup>

Aug. 9. In compliance with your order, I arrived at Bennington on Friday last, and on Saturday made a visit to their governor [Chittenden,] who, together with the leading men of the country, have promised me every assistance in their power to repel the common enemy. I have reason to believe, from their conduct, that their promises are not fallacious; for, before I came to Bennington, maj. McKinstry, who has command of the troops at Saratoga, sent an express to apprise them of the enemy's advance for his post. The alarm was spread, and in a few hours one hundred and fifty men, on horseback, marched to his assistance. The alarm proved false, and next day they returned, but not till they had visited Saratoga. On Monday last, at sunrise, a party of eleven was discovered in the south-east part of Bennington, supposed to be a party of tories from Hoosac, passing to Canada. The people were instantly in arms, pursued them until one o'clock when three of the pursuers came up and made them prisoners. They were instantly marched to Bennington. Upon examination, I find them to be a party from Canada, which first consisted of six. They made prisoners of esquire Bleecker and two servants, when they were joined by two other tories, making up the eleven. I enclose you their instructions. For my part, I think they ought to be considered as spies, and beg your excellency's opinion on the subject.

On the same day, gen. Schuyler informed gov. Clinton of an attempt by a party from Canada to take him [Schuyler] prisoner, at his house in Albany. He added:

The party that took John Bleecker esq. was secured by some people on the Grants, who went in pursuit of them. It [the British party] was commanded by one Howard, who had his orders in writing from Col. St. Leger, commanding at St. Johns. I believe the Vermonters have or will hang Howard.<sup>2</sup>

*President Weare, of New Hampshire, to Gen. Washington.*

[Extract.]<sup>3</sup>

Aug. 13. Had it not been for this unaccountable and altogether unexpected destruction of our currency, [by the people of Massachusetts refusing to take continental bills,] the only one we had, I doubt not we should have been able to carry the acts [for

<sup>1</sup> *Memoir and Correspondence of Stark*, 215. <sup>2</sup> *Clinton Papers*, No. 3886.

<sup>3</sup> *Corr. of the Rev., Letters to Washington*, Vol. III, 385.

completing the quota of New Hampshire in the continental army] fully into effect, excepting in that part of the state which, as I mentioned in my letter of the 23d of July, under pretence of joining what they call Vermont, have refused to raise men or furnish supplies of any kind, so that there will be a deficiency *on that account* of more than a quarter part, both of men and supplies, until Congress, before whom the matter lies, shall determine upon it.

H. — *Vermont Commissioners to the President of Congress.*

(COPY.)

PHILADELPHIA, 14th Aug., 1781.

*Sir*:—We have the honor to enclose a duplicate of our commission<sup>1</sup> to attend on the Honorable the Congress, and have to add that we are ready to enter on the business of our appointment.

We are, &c.,

JAMES [JONAS] FAY,  
IRA ALLEN,  
BEZ'L WOODWARD.

*His Excellency, the President of Congress.*

On the same day, James Madison wrote to Edmund Pendleton that Vermont would speedily be admitted to the union as a state, on account of Massachusetts having relinquished her claim—the encroachments of Vermont upon New York and New Hampshire, and the Haldimand correspondence, &c.—See *ante*, 57.

*Gen. Washington to Gen. Stark. [Extract.]*<sup>2</sup>

HEAD QUARTERS, Dobb's Ferry, Aug. 16, 1781.

*Dear Sir*:—I have received your favor of the 9th, and am very well pleased with the account you give of the disposition and behavior of the people of Vermont. The party [Howard's] you mention to have been captured by them, I think must be considered as prisoners of war, and ought to be closely confined, to prevent all possibility of escape, until they are exchanged. I hope the militia have arrived before this time, as I have been obliged to order the remainder of the continental troops to join the main army.

H. — *General Haldimand to his Commissioners, for Major Fay.*

(PRIVATE.)

QUEBEC, 16th August, 1781.

*Sir*:—You will please to acquaint Major Fay that I am favored with his letter (private) of the 9th instant, and that I cannot help

<sup>1</sup> For the commission, see *ante* 141. <sup>2</sup> *Memoir of Stark, &c.*, 218.

feeling concern and disappointment that he is not vested with powers to be more decisive upon the subject of it; the former arising from a motive of humanity and a desire as well to recall to the Mother Country her natural right as to restore happiness to a brave people, whose distresses I have really felt for; the latter from an expectation, founded upon the assurances of Colonel Allen, that the present flag should bring sufficient authority finally to negotiate and settle a re-union of Vermont with the Mother Country. I have been so little accustomed to deceit and intrigue that it is painful to me to suspect, yet from the breaches of faith which have been exhibited by the opponents of Government in this Province (both in public and private instances,) from the delays and obstacles in the present affair thrown in the way of my endeavours for reconciliation, from unreasonable expectations and demands upon the subject of the exchange of prisoners, from the diffidence discovered by the unheard of practice of sending strong guards or other detachments with flags of truce, but above all from the acknowledged construction of my views, that they are to involve in war with the other states a people whose interest I have with every sentiment of candour manifested my inclinations to promote, I confess I am taught to entertain doubts which it will give me pleasure to find have been ill-founded, but which the nature of my situation cannot fail to justify. The distance complained of in this transaction, proceeded, you must remember, from the express desire of the parties on the side of Vermont, and mutually agreed to by my agents when the affair was first agitated, *that the strictest secrecy should be punctually observed.* Under these circumstances, I could not think of risking my sentiments in writing, amongst a people who, whether from necessity or inclination, had given up similar letters to Congress. It would have been infinitely more suitable to my ideas to have promulgated my wishes by proclamation, which I should still do, could I think it would reach the ears of the people in its real sense, but every attempt of that kind has been so industriously counteracted from the commencement of the unhappy conflict, that in the present situation of affairs it would be in vain. Much pains were taken with Colonel Allen to make clear to him my sentiments and determination. He took his leave seemingly impressed with a conviction of my candour and friendly offers, and promised a similar reception of them from Governor Chittenden, General Allen, and other leading men in Vermont, to whom they have, of course, been fully represented by him, yet nothing has been done; the same system of procrastination prevails, and the affair stands upon the departure of Mr. Fay, just where it did last May. The papers alluded to in Mr. Fay's letter could surely have been entrusted

in his hands for the perusal of my agents in this affair, and it would have been no more than has been done from the beginning on my part; to leave these behind was to come without his errand. It is with much reluctance that I should relinquish the pleasure of being the instrument of recalling to allegiance the people of Vermont, and restoring to them peace and happiness; yet I foresee that my duty will require it of me. I have, with much difficulty and management, avoided everything but the appearance of hostilities. While their country might have been ravaged by continual parties, it was still my *wish* to forbear, upon the faith of Colonel Allen's and Mr. Fay's professions, but it is not in my power to say more. Were that people but half as desirous of a union with Great Britain as with the Congress, they would now be a happy people, independent of every power on earth, except the parent one. The Congress has repeatedly denied them the territory they contend for, and by temporizing they may fatally become the dupe of both parties, for should America prevail, they cannot suppose Congress will, in prosperity, grant what they have so repeatedly refused when their alliance would have been serviceable; on the other hand, should America be disappointed, they cannot, with any degree of reason, expect from Great Britain terms so cordially preferred, which they have so coldly rejected for a shadow of independence, and it is too romantic to suppose that in the general conclusion of the wars, which now subsist, in which the powers of Europe are materially concerned, Vermont will ever be considered. In short, I do affirm (and I hope I shall be believed) that if it is the intention of Vermont to trifle with me, she will find herself deceived. If to accept the terms proposed, so strongly disinterested on the part of Government, and so evidently generous and consonant with the interest of Vermont, I shall receive her with open arms, and I hope she will avoid too late and an ineffectual repentance.

The prisoners, or the greatest part of them, being now exchanged, I shall not expect a flag of truce from Vermont upon any other business than to signify her acceptance of my offers, and at all times to consist of no more than five persons, who will keep their flag constantly flying.

Major Fay will be so good to acquaint Colonel Allen that I received the favor of his letter. I am, &c.,

(Signed)

FRED. HALDIMAND.

To Messrs. A. and B.

Indorsed: "Copy (No. 20.) — From His Excellency General Haldimand to Messrs. A. [Captain Sherwood] and B. [George Smyth.] 16th August, 1781."

H.—*By the United States in Congress assembled, Aug. 17, 1781.*

Aug. 17. Congress took into consideration the report of the committee appointed to confer with agents appointed by the people of the New Hampshire Grants on the west side of Connecticut River, and to whom was referred a letter from Jonas Fay, Ira Allen and Bez'l Woodward, wherein they represent that the said Jonas Fay, Ira Allen and Bez. Woodward have produced to them a commission, under the hand of Thomas Chittenden, Esq., empowering them, among other things, to repair to the American Congress, and to propose to and receive from them terms of an union with the United States: whereupon,

*Resolved*, That it be an instruction to the committee to confer with the said Jonas Fay, Ira Allen and Bez. Woodward, on the subject of their mission.

Extract from the minutes.

(Signed,)

GEO. BOND, *Deputy Secretary.*

H.—*Vermont Delegates to Committee of Congress.*

(COPY.) To the Honorable Committee of Congress:

Aug. 18. Whereas, the state of Vermont hath formed jurisdictional union with people inhabiting a district of land known by the name of New Hampshire Grants, east of Connecticut River, on apprehension that the said district does not of right belong to New Hampshire; also with a district 20 miles in breadth, lying west of the New Hampshire Grants, on apprehension that it does not of right belong to the state of New York, by means of which union it is impracticable for the people on the New Hampshire Grants, west of Connecticut River only, to perform any public act as a state, exclusive of the districts above mentioned, and that the claims of the people on the said districts to independence from the states of New Hampshire and New York respectively, may have a full and fair hearing, and that a final decision may be had thereon as soon as may be: Therefore, the subscribers, delegates from and in behalf of the state of Vermont, beg leave to propose the following as terms which appear to them necessary in order to a Federal union between that and the United States:

1st. That Vermont be recognized as an independent state, under the following description, viz: Beginning at the northwest corner of the state of Massachusetts, which is the northwest corner of the town of Williamstown, and from thence extending eastward in the north line of Massachusetts to the west bank of Connecticut River; thence up the river as it tend to the 45th degree of north latitude; thence west in said latitude line to the centre of Lake Champlain, (west of Missisquy Bay); thence southwardly in the

deepest channel of the said Lake, as also the channels of the South and East Bays, to the head of the latter ; thence up the deepest channel of Poultenev River, and the west line of the town of Poultenev ; thence southward on the westward line of the several towns of Poultenev, Wells, Pawlet, Ruport, Sandgate, Arlington, Shaftsbury, Bennington and Pownall, to the place of beginning.

2nd. That delegates to represent the state of Vermont in Congress be elected by the representatives of the freemen of the state, as it is now extended, until the several claims of New Hampshire and New York to the said districts be heard and determined.

3rd. That the several claims of New Hampshire and New York be determined as soon as may be, and agreeable to the mode prescribed by the Articles of Confederation for decision of disputes between two or more states concerning boundary, jurisdiction, &c.

4th. That Vermont have the same right as any other state, on application to Congress, to have an hearing on the said disputes, and to be admitted in like manner by their agents (to be appointed for that purpose) as a party in support of the claim of the people within the said districts to independence from the said states of New Hampshire and New York respectively. In case that on trial the districts aforesaid shall [not] be found to belong of right to the states of New Hampshire and New York respectively, they shall be thenceforth considered as belonging to the jurisdiction of the state of Vermont.

(Signed,)

{ JOSEPH FAY,  
  IRA ALLEN,  
  BEZ'L WOODWARD.

Philadelphia, August 18th, 1781.

Indorsed: " Copy. (No. 27.) Proposals from the agents of Vermont to Congress, dated Philadelphia, August 18th, 1781."

H. — *Questions by Committee of Congress to Vermont Agents, and their answers thereto.*

(COPY.)

PHILADELPHIA, 18th, August, 1781.

Questions proposed by the committee of Congress to the agents on the part of Vermont, with answers thereto.

*Query 1st.*—Are the boundaries set forth in the written proposition delivered in by the said agents at this time claimed by the state of Vermont as the lines of jurisdiction, the same as contained in the resolution of Congress of the 7th of August, instant ?

*Answer.*—They are the same with the addition of part of the waters of Lake Champlain for the benefit of trade, &c.

*Query 2nd.*—What part do the people of Vermont mean to take up as to the past expenses of the present war, and what aid

do they propose to afford as to men and money to the common defence?

*Answer.*—Such proportion as shall be mutually judged equitable after their admission to a seat in Congress, which has been several times officially proposed by the agents on the part of Vermont.

*Query 3rd.*—What are the ideas of the people of Vermont relative to the claim of private property under grants or patents from New Hampshire or New York previous to the present Revolution?

*Answer.*—Altho' the state of Vermont hath not hitherto authorized any court to take cognizance of such causes as respects titles of lands, nevertheless they have had and still have it in contemplation to adopt such modes as the circumstances arising out of each case may justify, without adhering to the strict rules of law.

*Query 4th.*—What are the intentions of your constituents in regard to the patents that were granted on conditions of settlement within a given time, and which have been prevented by the claims of the people of Vermont and the present revolution?

*Answer.*—No forfeitures have been taken by the state of Vermont on any such grant for non-performance of conditions of settlement, and we conceive it to be the intention of our constituents to grant a further reasonable time for fulfilling such conditions.

*Query 5th.*—What are the number of inhabitants within the lines mentioned in their proposition above mentioned?

*Answer.*—As the citizens of Vermont have not been lately numbered, we can therefore only estimate them at about 30,000, which we conceive to be nearly a true estimation.

*Query 6th.*—What quantity of land is contained within the said bounds?

*Answer.*—There has been no accurate survey of the state of Vermont, but we conceive it to contain about 5,000,000 acres.

*Query 7th.*—What applications have been made, either publicly or privately, by the enemies of the United States or their adherents, to draw off the people of Vermont from their affection to the United States of America?

*Answer.*—The honorable committee are possessed of copies of Bevy. Robinson's letters enclosed in B. General Allen's letter of the 9th of March last to the then President of Congress, and any private offers we cannot vouch for.

*Query 8th.*—In case the enemy should attempt an invasion of the northern frontiers, what aid as to men and provisions could be raised in the state of Vermont for the public defence, (you can



suppose the invasion made in different quarters,) and within what time?

*Answer.*—The number of militia within the lines herein limited we suppose to consist of about 7000, in general well armed and accoutred, and have ever shown themselves spirited in case of alarms, &c.

In regard to provisions, the country is fertile but new and considerable emigrations from other states to Vermont. The Legislature, at their session in October last, levied a tax on the inhabitants for provisions sufficient for victualling 1500 troops in the field for twelve months, and we are of opinion a larger store may be in the same manner collected the ensuing autumn.

Indorsed: "Copy (No. 28) 1781. Queries from the Committee of Congress to the agents of Vermont and their answers, 18th August."

Aug. 19. Major-general William Heath was assigned to the command of the northern department by general Washington.

H.—*By the United States in Congress assembled, August 20th, 1781.*

On reconsideration of the resolution respecting the people inhabiting the New Hampshire Grants, it was altered and agreed to as follows:

It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York contained in the resolution of the 7th instant,

*Resolved*, that it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont and their admission into the Federal Union, that they explicitly relinquish all demands of lands or jurisdiction the east side of the west bank of Connecticut River, and on the west side of a line beginning at the north-west corner of the state of Massachusetts, thence, running 20 miles east of Hudson's River so far as the said river runs north-easterly in its general course, then by the west bounds of the townships granted by the late government of New Hampshire to the river running from the South Bay to Lake Champlain; thence along the said river to Lake Champlain; thence along the waters of Lake Champlain to latitude 45 degrees north, excepting a neck of land between Missisquy Bay and the waters of Lake Champlain.

Extract from the minutes.

(Signed)

GEO. BOND, *Deputy Secretary.*

*Capt. J. Sherwood to Col. Ira Allen.*<sup>1</sup>

LONGALE [Longueil] BLOCK HOUSE, 21st Aug. 1781.

*Dear Sir*:—I have the honor to acknowledge your favor by maj. Fay, with Pope's Essay on Man, for which I beg leave to return you my best thanks. I find maj. Fay the gentleman you represent him to be, and however different our political sentiments are, you may be assured that my former personal friendship for you and him remains inviolate. As I have requested the major to present my compliments to governor Chittenden and the gentlemen of Vermont in general, have only to request you will remember me to my former good friend general [Ethan] Allen, with compliments and best respects to Mrs. Allen and the young lady [the general's daughter.]

Believe me, dear Sir, sincerely your personal friend  
and most humble servant,  
J. SHERWOOD.<sup>2</sup>

*Col. Ira Allen.*

*Gen. Roger Enos to Gen. Washington.*

Aug. 26. Gen. Roger Enos wrote from Castleton, informing gen. Washington that he had been appointed to command the whole of the Vermont troops; that he would obey Washington's orders, and give every information he should receive of the approach of the enemy.

*Gen. Stark to Col. Henry Laurens.*<sup>3</sup>

ALBANY, August 27th, 1781.

*Dear Sir*:—By a spy, who has been on board the enemy's ships at Crown Point, we learn that their intention is to make a push upon this place, to alarm the New Hampshire Grants by way of Castleton, and gather all the tories in this quarter, who are to be

<sup>1</sup> *Ethan Allen Papers*, 357.

<sup>2</sup> In a notice of Col. Thomas Johnson, of Newbury, Mr. B. H. Hall states that, while a prisoner at St Johns, Col. Johnson "was permitted to live with Capt. Sherwood, a gentleman noted for the humanity which he uniformly displayed towards those whom the fortune of war placed in his hands."—*Eastern Vermont*, 407. Capt. Sherwood's letter indicates the courtesy that prevailed among the gentlemen engaged in the negotiation; which, indeed, Ira Allen specially certified.

<sup>3</sup> *Memoir and Correspondence of Stark*, 225.

met by Gen. Howe's [British] army near this place. Therefore I should advise you to keep your men in readiness.

Your obed't servant,

JOHN STARK.

*Gen. Stark to Gov. Chittenden.*

ALBANY, 27th August, 1781.

*My Dear Sir:*—I only waited the prudent and happy determination of Congress, to congratulate you upon the interesting and important decision in your favor. Be assured, Sir, that no intervening circumstance on the grand political system of America, since the war began, has given me more real pleasure than to hear of your acceptance into the union—a measure that I do now, and always did think, was highly compatible with the real interest of the country. It is with difficulty that I can determine in my own mind why it has been postponed to this late hour; but perhaps congress had motives that we are strangers to. The best and wisest mortals are liable to error.

I am very happy to acquaint you that the people in this city show very much of the highest solicitude upon the matter, fully convinced that to be separate will be more for the interest of both states than to be united. In my opinion, nothing can wound a generous mind more than the mortifying thought of making a large country miserable; and the people of your state, by their utter detestation of the management of New York, must have been wretched under their government.

To have been connected with New Hampshire is what many in the state would have been very sorry for, as very inconvenient and expensive for both bodies of people, and no real good resulting from such a connection; therefore, I am of the opinion that every man, who consulted the public interest, must be an advocate for a separation. For, had they been connected, there would ever have been a jealousy between the two states, which would have been infallibly dangerous to both; but that jealousy, by the separation, must entirely subside, and New Hampshire and Vermont live in perfect friendship as sister states.

That Vermont, in its government, may be happy, and a stranger to internal jars, is the ardent wish, my dear sir, of your most obed't serv't,

JOHN STARK.

Aug. 28. Gov. Clinton, in reply to a letter from Stark of the 18th, said he had no objections against his sending a flag to Canada for the exchange of prisoners. It was an object he had frequently attempted, though in vain.<sup>1</sup>

<sup>1</sup> *Memoir of Stark*, 228.

Aug. 29. Gen. Stark expressed his desire to maj. gen. Heath to exchange British prisoners, in his possession, for some of Alden's and Warner's regiments.<sup>1</sup>

Aug. 31. Gen. Stark wrote to gov. Clinton that his embarrassments were almost intolerable ; not a single grain of forage, nor could he procure any ; almost daily calls from the frontier for provisions, but could not send them, as the quarter-master had no money to procure teams, and no power to impress them.<sup>2</sup>

1781. Gov. Clinton informed gen. Stark that he [Clinton] Sept. 1. had addressed gen. Haldimand in the last winter respecting an exchange ; that brig. gen. James Clinton had intended to send for that purpose, and prepared papers, which he [the governor] desired Stark to send by the first flag.<sup>3</sup>

Sept. 4. Gen. Stark wrote to gen. Haldimand for an exchange, and suggested the appointment of commissioners for that purpose.<sup>4</sup>

*Gen. Schuyler to Gov. Clinton.*—[Extract.]

Sept. 10. It is given out that the enemy, offended at having been duped by the Vermonters, intend to attack them. This, with the indications at St. Johns, gives us great reason to suspect they mean either the Mohawk or this [Hudson] river.<sup>5</sup>

In the previous month there had been an alarm on the east side of the mountain, and on the 10th of August a company from Pomfret and Hartford marched out to find the enemy, but in vain. In September, a scouting party of four persons, sent from Peacham up the "Hazen road," were attacked by Indians, who killed two of the scouts and captured the remaining two.<sup>6</sup>

Sept. 11. Gen. Stark wrote from Saratoga to maj. gen. Heath that his men had but ten rounds of ammunition, and no more in store ; that he had no men to spare for the defense of Albany, [which expected to be attacked and burnt by the enemy ;] that he needed reinforcements, as he had that day received certain intelligence of there being a large detachment at St. Johns destined

<sup>1</sup> *Memoir of Stark*, 230.    <sup>2</sup> *Same*, 231.    <sup>3</sup> *Same*, 233.    <sup>4</sup> *Same*, 236.

<sup>5</sup> *Clinton Papers*, No. 3984.    <sup>6</sup> *Eastern Vermont*, 411, 412.

for that quarter; that, if the enemy approached, he should be under the necessity of sending expresses to Hampshire and Berkshire counties, to Albany, and to the Grants, and this he could do only, for want of good horses and horsemen, “by detaching a soldier on foot, with his provisions on his back.” He had applied to gov. Clinton for forage, but the governor had replied that Congress had never required it of the state, and without that requisition he could not give a warrant to impress it.<sup>1</sup>

*Maj. Gen. Heath to Gen. Stark.*—[Extract.]

Sept. 17. I have received repeated information that the enemy have been building canoes and small batteaux for some time, at St. Johns, and sending hard bread from Montreal to that place; and it is now said that a number of troops have arrived there. Whether their design is to cross the lakes and advance toward you, or toward the towns on the Connecticut river, for which the light craft seem rather calculated, is uncertain. You will please to keep a sharp look out, and be in readiness to oppose them, should they advance.<sup>2</sup>

*E. Marshal, at Albany, to Gen. Stark.*

Sept. 19. Some prisoners came to town last evening from Montreal. They had the liberty of that town, and say that, two days before they left that city, a body of two hundred and fifty men crossed for St. Johns; it was said they were to be joined by a body of whites and Indians at that place, and in conjunction with a body from Buck's island, were to fall upon and destroy the remainder of the country on the Mohawk river.<sup>3</sup>

*Gen. Stark to Maj. Gen. Heath.*—[Extracts.]

Sept. 20. Intelligence from Canada, through sound sources, leads us to conclude that an attack is designed, either upon this post or the Mohawk river. From the situation of the country I think the attempt will be made upon this post, as the enemy can come here with twenty-five miles land carriage; while, on the other quarter, the distance is six times that number. However, if ammunition is supplied me, I hope to give any that may come such a reception as will make them glad to return if they have an opportunity.<sup>4</sup>

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<sup>1</sup> *Memoir of Stark*, 247.    <sup>2</sup> *Same*, 254.    <sup>3</sup> *Same*, 255.    <sup>4</sup> *Same*, 256.

*Third Interview between the Commissioners of Vermont and Great Britain.*

Sept. 1-20. In the month of September, and previous to the 20th, the Vermont and British commissioners met at Skenesboro [Whitehall] to exchange prisoners, when the Vermont commissioners delivered to the British the several Vermont, New Hampshire, and Congressional documents, bearing dates between the 20th of June and September, which have been given from the Haldimand Papers. The plan of government for Vermont as a British colony was discussed, and it was agreed that it should be essentially the same as that established by the constitution, and similar to that of the colony of Connecticut, except that the king in council should appoint the governor. The British commissioners suggested the capture of Vermonters who were most violently opposed to the negotiation, which the Vermont commissioners rejected, and the matter was reserved. The British commissioners then insisted that Vermont should declare itself a British colony, and offered to put several leading Vermonters on the British military establishment, as brigadier general, two colonels, and other officers. The Vermont commissioners "treated this proposition with candour and deliberation," and stated fully their objections, such as the locality of Vermont, adjoining thick settlements in the United States—the staunch whigs among the body of her people—their ties of consanguinity with people of the neighboring states, and the difficulty Great Britain would have in defending Vermont, especially in the winter. They urged, that *time, during an armistice*, was necessary to prepare the people for such a change, and suggested that the inability of New Hampshire to furnish her full quota of troops to the continental service, and the possibility of annexing Berkshire county, Massachusetts, to Vermont, with the influence of these things on the people of the state, might be of more service to the king than any thing Vermont could accomplish. The British Commissioners took down in writing the heads of these objections, and "then suggested an instruction, which they said they were not at liberty to deviate from without putting an end to the armistice, which was, that his excellency general Haldimand should, in pursuance of full powers

vested in him by his majesty and council, issue a proclamation, offering to confirm Vermont as a colony under the crown.”<sup>1</sup>

In the next document, Sept. 20. *the Vermont commissioners* “propose whether a proclamation from his excellency general Haldimand” “might not answer a valuable purpose;” and the British commissioners, in their report of this conference, wrote on the 30th of September that *the Vermont commissioners* “*requested (as the last resource) that gen. Haldimand would issue a proclamation,*” &c. The apparent discrepancy between Ira Allen and the British commissioners is removed on the supposition that the latter had suggested a proclamation at some preceding time in the conference, which the Vermont commissioners then objected to, and that subsequently, “as the last resource,” the latter renewed the proposition. Allen’s account is consistent with this explanation. He went on to say that “the agents of Vermont were unpleasantly situated,” but they reinforced the previous objections [to the proclamation proposed by the British commissioners,] by suggesting the lateness of the season, bad roads, want of fortifications and preparations for defense, and that one winter would have great effect in changing the minds of the people. Gen. Haldimand might change his opinion as to a proclamation on these considerations; “but should he not, they [the Vermont commissioners] hoped the general, who brought forward such proclamations, would learn the temper and disposition of the people before he distributed them. *On these principles they consented to have the proclamations brought up the lake, rather than break the armistice.*”<sup>2</sup> To concede that Allen was mistaken in his statement, that the first suggestion of a proclamation came from Haldimand’s agents, is equivalent to a charge that these objections in the name of the Vermont commissioners, were merely Allen’s afterthoughts. A strong motive would be needful to prompt such a mistatement; and Allen in England in 1798 certainly could have no such motive. His interest then was to represent Vermont and himself as

<sup>1</sup> Ira Allen in *Vt. Hist. Col.*, Vol. 1, 433-435. Gen. Haldimand declared to his commissioners, Aug. 16, that it would be most suitable to his ideas to promulgate his wishes to the people of Vermont by a proclamation.—*Ante*, 162.

<sup>2</sup> Ira Allen, in *Vt. Hist. Coll.*, Vol. 1, 435, 436.

having been well disposed towards the British government, and he would hardly omit so important a fact as that the proposal to invite Vermont to become a British province, by proclamation, was made by Vermont, and by himself as her agent, instead of by Haldimand.<sup>1</sup>

H. — *From Commissioners of Vermont, suggesting a Proclamation by Gen. Haldimand.*

(COPY.) Sept. 20. The commissioners on the part of Vermont propose for consideration, vizt :

That in our opinions the first proceedings of the new Legislature of Vermont will be to form into a committee of the whole to hear the report of their agents from Congress, and then to take into consideration the proposals from Congress, when we have every reason to expect them to be rejected, when the Legislature will proceed to business. As the members are from all parts of the state and many of them strangers to each other, it will not be amiss for them to be a few days together before a public litigation of a change of government, and in order to that we would propose whether a Proclamation for [from] His Excellency General Haldimand, to be then exhibited to the Legislature, might not answer a valuable purpose, as it would lay a foundation for them to proceed upon. Such proclamation to contain the terms the Court of Great Britain have authorized His Excellency to give Vermont, which we could wish (as citizens of Vermont are principally emigrants from the New England governments) that their privileges might be as near those they have been accustomed to as may be. That there should be no undue advantage taken by such proclamation, we propose that it be lodged with the general commissioners on the Lake ; that as soon as the Legislature have rejected the offers of Congress, that a confidential person be forwarded to said Commissioners with that information, when a flag should be sent to Castleton with such proclamation sealed and directed to the Legislature, when General Enos will forward them unopened by express to the Legislature.

(Signed)

{ IRA ALLEN,  
{ J. FAY.

Skeenesborough, September 20th, 1781.

<sup>1</sup> Ira Allen, in *Vt. Hist. Col.*, Vol. I, 435, 436.



II. — *Queries from . . . to the Commissioners of Vermont respecting their proposals and proclamation, &c., and their answers.*

1st — Do those proposals fully coincide with the opinions of the Government and council, or such part of them as wish for a British Government ?

2nd. — What effect or particular advantage will such a Proclamation have in the Assembly ?

3rd. — Will it not tend to encourage [enrage ?] them and effectually put an end [to] further negotiation ?

4th. — Will it not alarm Congress and gain from them a pretended compliance with all the demands of V ———t ?

5th. — Shall you make the proclamation public or not ?

6th. — Do you candidly believe it probable that the Assembly and populace in general will close with the proclamation, provided it gives them Charter privileges similar to those of Connecticut, or nearly the same ?

1st. — Answered in the affirmative

2nd. — It will lay a foundation for the friends to government to enter fully on the business authoritatively, and facilitate a close of the subject, as it will contain the general proposals.

3rd. — It cannot alarm the Legislature so much as to have the subject proposed to them by the governor and council, as Congress and the world will be at a loss to judge what occasioned such proclamation, as all former private negotiation on the subject will still remain in oblivion.

4th. — The Articles of Confederation virtually precludes a compliance, nor can it alarm Congress or the other states more than to have the matter litigated at large in the Assembly, as they are possessed of Lord George Germaine's letter to Sir Henry Clinton.

5th. — It will be conveyed immediately on reception to the Speaker, and opened in presence of the Assembly.

6th. — Our new election warrants the highest probability.

7th.—If the Proclamation should be rejected will there be a probability or even a possibility of a re-union after such a rejection ?

7th.—Even should the proposition be rejected, still we are confident it would not affect those who are now in favor of Government, but add to the numbers who would still pursue the grand object.

Skeenesborough, 20th September, 1781.

IRA ALLEN,  
J. FAY.

Sept. 26. Gen. Stark sent a flag, by Captain Hickok, to the British shipping on lake Champlain, to inquire for a captain who had previously been sent to procure an exchange of prisoners.<sup>1</sup>

H.—*General Haldimand to Sir Henry Clinton.*

(COPY.)

QUEBEC, Sept. 27, 1781.

Sir:—The letter which accompanies this I had the honor to prepare for your Excellency the 2d ultimo, but was disappointed in my expectation of conveying it to you. The present, with its enclosures, is in continuation of the former. These contain the fullest information in my power to communicate to your Excellency upon the interesting subject of Vermont affairs. The very strong assurances of sincerity, made by Colonel Allen and Major Fay in behalf of the Governor and Council, and the obvious difficulties they represent in the way of a sudden revolution where the prejudice of a people is so violent, demand some credit and attention; yet there is something in their whole conduct so obscure and mysterious and so very correspondent with opinions of approved loyalists who live among them, that sanguine as I am for the success of this business, I cannot help entertaining very unfavorable suspicions of it. My agents have at present an interview with Major Fay agreeably to his desire expressed in No. 21. I hope I shall be informed of the result before I am obliged to dispatch this letter. In conformity to my own sentiments and the request of those loyalists in whose judgment I have the most confidence, I have determined to show a strong detachment upon the frontier about the 1st of October, when their Assembly is to meet. It will take post at Crown Point and remain there as long as the season will permit. I have likewise directed that strong parties be sent from Niagara to appear at the same time upon the Mohawk River and frontier of Pennsylvania. The former if found necessary will co-operate with parties from Crown Point. Circumstanced as I am my offensive views from this province are confined alone to that object. If it

<sup>1</sup> *Memoir of Stark*, 262.

should not produce the effect hoped for with the people of Vermont, it cannot fail to alarm and distress the enemy by ravaging the frontiers, and diminishing their supplies. It will likewise be the means of drawing to the Royal Standard a number of loyalists, who only wait, as they say, for an opportunity to escape from the oppression they labor under; and if your Excellency should have any operations in view which can be facilitated by this resolution, I shall feel an additional pleasure in having taken it. I have, for that purpose, dispatched a messenger through the woods to communicate my intention to you.

The very high respect I have for the judgment of General Robertson, the interest he must have in the conduct of Vermont, as it may affect the province of which he is Governor, and my personal esteem and regard for him, induce me to request your Excellency will communicate to him my transactions with that people, contained in my present dispatches. I have the honor to be, &c.,

(Signed)

FRED. HALDIMAND.

*His Excellency, Sir Henry Clinton.*

Indorsed: "Copy. General Haldimand to Sir Henry Clinton, K. B., Quebec, 27th September, 1781. 42."

*H. — General Haldimand to Sir Henry Clinton.*

(COPY.)

QUEBEC, September 28, 1781.

*Sir:*—By the arrival of Major General Reidescl I am honored with your Excellency's letter of the 23d of last July.

For Vermont affairs I beg leave to refer your Excellency to my letter upon that subject which you will receive by this opportunity.

The two large victuallers mentioned by your Excellency to have been destined to replace the four intended for this place, which were used at New York, are not yet arrived, but my Commissary-General is made to expect them this autumn. The plentiful supply I have lately received will make this delay of less consequence.

Agreeably to your Excellency's and General Knyphausen's desire, I send back to New York that part of his Regiment under my command; however inconvenient it may be to me to part with troops of their merit, I have a pleasure in gratifying the wishes of an officer so distinguished by his services as General Knyphausen. In replacing this detachment, I hope your Excellency will consider the acquisition it is to you, and how much they must be missed, in a small army widely dispersed, composed in general of very inferior troops. I have the honor to be, &c.,

(Signed)

F. HALDIMAND.

*His Excellency, General Clinton.*

H. — *Report of British Commissioners to Capt. Matthews, for Gen. Haldimand.*

(COPY.)

QUEBEC, 30th Sept. 1781.

*Sir* :—In behalf of B . . . . [Geo. Smythe] and myself, [Capt. J. Sherwood,] I transmit to you (for His Excellency's information) our proceedings with the Vermont Commissioners. Although the different papers marked from No. to No. contain the essential part of our negociation, I beg leave to trouble you with a few remarks of my own, founded on the closest observation and scrutiny that I was able to make on the words and actions of Messrs. Allen and Fay, while I was with them, Vizt. I am fully of the opinion that Messrs. Chittenden, Allen and Fay, with a number of the leading men of Vermont, are making every exertion in their power to endeavour to bring about a re-union with government, and that at least one third part of the populace sincerely wished for such a change. But I find that Congress are much alarmed, and have lately at great expense employed a number of emissaries in Vermont to counteract underhand whatever is doing for government. The principal of those are General Bailey, Colonels Chas. Johnson, Moron, [Morey?] Brewster and Major Childs, on Connecticut River.

This junto of which General Bailey is the soul are endeavoring to set the populace against their present leaders by insinuating to them that they are tories, and intend to sell Vermont, &c. I believe that Congress intend to bring the populace of Vermont to a general vote whether they will relinquish their present claims or not, at which time they hope by the influence of Bailey's party to turn out the present leaders and at least have their own creatures appointed *whom* they will endeavor to support, by establishing a considerable force somewhere on the frontiers of Vermont next spring. Messrs. Allen and Fay very sincerely acknowledge to me their embarrassment and their fears that the populace could not be easily gained and in a very sensible manner pointed out the difficulties and dangers attending such an attempt while the rebellious part of the populace, however few, had reason to expect so much more assistance from the southward than the friends to government could at present expect from the northward. They observed that so long as these motives emboldened the former and depressed the latter, there would be but little hopes of success; they however requested (as the last resource) that General Haldimand would issue a Proclamation, pointing out in a very particular manner the privileges he was authorized to grant Vermont, mentioning their extent of territory, the security of their title of lands and charter privileges as near to the former charter of Con-

necticut as possible ; the protection they might expect against their southern neighbors and the advantage of a [free] trade with Canada, &c., to conclude with placing to their view in soft but spirited terms the evil consequences and misery which must necessarily follow the refusal of such equitable and humane offers. This Proclamation they hoped would be acceptable to so large a part of the people, that by the ensuing spring with the assistance and protection of General Haldimand, they could effectually establish a British Government. But if this failed they knew of no other method at present. I am, sir, with much respect,

Your most obedient and most humble servant,

(Signed)

A.

*Capt. Mathews.*

Indorsed: "Copy of a letter from one of the secret commissioners, dated the 30th September 1781. (No. 33.) A."

H. — *General Haldimand to Sir Henry Clinton.*

QUEBEC, 1st October, 1781.

<sup>1781.</sup>  
October 1. *Sir*: — The intelligence, for which I have some days detained the Frigate, is at length arrived. My agents are returned from their conference with Ira Allen and Major Fay, and I here enclose a continuation of their proceedings from No. 22 to 33. These, and conversations (I am forbid to commit to paper) which passed between those gentlemen, have almost, if not entirely, removed my suspicions of Allen's party ; but I see, with much concern, that the wished for revolution very little depends upon their interest, at least as things are at present circumstanced. The prejudice of a great majority of the populace, and the prevailing influence of Congress, are too powerful to admit of a chance, (within any given time from one to three years,) by negotiation. The leading men in our interest advise, as a last resource, my issuing a Proclamation, confirming to Vermont the late assumed territory and other privileges, (contained in a letter marked A.,) thinking that from the late refusal of these by Congress, the people may be inclined to accept of terms from Government.

This Proclamation they desire may be followed by a force equal to support the friends of Government, who wait for an opportunity to declare themselves, and to awe those in opposition. In so critical a juncture, I most sensibly feel the want of particular instructions, fearing, on one side, to let an opportunity escape which may never be recalled, and on the other, taking upon myself a decision of such importance. A firm disinterested Zeal for the King's Service which has hitherto, will, in this instance, guide my conduct, and in acting for the best I shall hazard the consequences with the generosity of my Royal Master. How far encroachments

by Vermont on New York and New Hampshire may affect future politicks, I know not. At present, I conceive them indiscriminately engaged in rebellion, and if by sacrificing a part of one to the interest of the other a re-union of the most valuable with the Mother Country can be effected, I think it my duty to make the attempt. In this faith I shall issue the Proclamation, worded with as much caution as is consistent with my hopes of its success. It is to precede the detachment, and as the preparations to receive it cannot be made before the 12th or 14th instant, to which time the meeting of their Assembly is put off, the troops will necessarily not move so soon as mentioned in my other letters to your Excellency.

Reports brought by my agents from good authority respecting the enemy having laid aside their intention against New York, makes this delay less painful to me.

Your Excellency will not understand that any offensive measures against Vermont are to be undertaken by the detachment from Crown Point. On the contrary, every appearance of hostility will be carefully avoided, while parties will be sent to distress the other frontiers. It is hoped this conduct will convince the people of Vermont that it is the intention of Government to protect them and facilitate the endeavours of the leading men in our favor to gain the populace in the course of the winter to make preparations for a more effectual essay in the spring, which, if mutually carried on, I should hope might prove successful.

I have the honor to be, &c.,

(Signed)

FREDERICK HALDIMAND.

*To His Excellency, Sir Henry Clinton.*

Indorsed: "45." Frederick Haldimand, &c., &c.

H. — *General Haldimand to Sir Henry Clinton.*

(COPY.)

QUEBEC, 2nd October, 1781.

*Sir*:—The transaction, of which the particulars are here enclosed, was undertaken and is carrying on upon a solemn and mutual promise of secrecy, for the performance of which, as well on my own part as in behalf of the agents I employ, I have pledged my honor.

The service we are mutually interested for requires I should impart this matter to your Excellency, and I do it in perfect confidence that you will not entrust it to the knowledge of any other person, except General Robertson, to whom I have in another letter signified my wishes it should be communicated.

I have the honor to be, &c.,

FRED. HALDIMAND.

*His Excellency Sir Henry Clinton.*

H. — *Gen. Haldimand to Sir Henry Clinton.*

(COPY.)

QUEBEC, October 3d, 1781.

*Sir* :—I have the honor to enclose to Your Excellency a sketch of the Proclamation mentioned to you in a letter of this date.<sup>1</sup> I persuade myself Your Excellency will have that indulgence for me in regard to it which the necessity of the measure will dictate, and that you will do me the justice to believe no other motive could have induced me in the smallest degree to trespass upon the limits of your command, a necessity to which my local situation has reduced me.

With respect to the thing itself, many happy, no evil (that I can foresee) consequences can result from it. Should it have the desired effect, I need not point the advantages. If it fails, the boundaries of the Provinces remain as before, and the mysteries of Vermont will be seen through.

I have the honor to be, &c.,

(Signed)

F. HALDIMAND.

*His Excellency Sir Henry Clinton.*

H. — *Form of Proclamation proposed by Gen. Haldimand.*

Whereas His Majesty, persevering in his humane endeavours to prevent the calamities of war, hath been graciously pleased to grant unto me in general terms permission to treat with and to propose to His subjects in the district of country called Vermont such terms for accommodation as might appear to me best calculated to recall them to their allegiance and to rescue them from the oppression of their interested deluders, by re-uniting them upon a respectable and permanent footing with the Mother Country. Happy in the prospect of being instrumental to so desirable an event, I embrace this mode, as the most public, of declaring to the people of Vermont that upon their cordially and effectually re-uniting themselves as a government under the Crown of Great Britain, they shall be considered by the same a separate province, independent of and unconnected with every government in America, and will be entitled to and shall enjoy every prerogative and immunity promised to the other provinces in the proclamation of the King's Commissioners, comprehending charter rights as formerly enjoyed by the province of Connecticut, the right of appointing a governor excepted, which must rest in the Crown.

In order the more effectually to remove every jealousy on the part of the people of Vermont (industriously infused by designing men into the minds of the ignorant) of Great Britain's wishing to

<sup>1</sup> Probably referring to the letter of Oct. 1. See also letter of Oct. 2.

deprive them of their liberty and to curtail their interest by limiting their possessions, and in order to remove the injuries said to have been exercised against them by the New York Government in obtaining grants of land which had in consequence of grants from New Hampshire been cultivated by the labour and industry of the inhabitants of the Green Mountains, I hereby further promise that until such time as His Majesty's pleasure shall be signified to me or that I shall have authority from one of the King's Commissioners (for which I have already made application) to confirm to the said people of Vermont their late acquisition of territory together with their landed property as granted under New Hampshire vizt: From the north line of Massachusetts north to the south line of Canada and from the Hudson's River east to the Mason line, I shall consider the same to all intents and purposes belonging to the Province of Vermont, and I shall afford to them the same protection, privileges and immunities herein promised to the inhabitants of the original district.

A free trade with Canada will likewise be granted and encouraged, and, the more effectually to protect the said people of Vermont in their possessions, a co-operative force sufficient for that purpose will at all times be provided by the Crown, and the Vermont troops shall have every present and future advantage in common with the provincials now serving with the King's Army.

Thus, it is hoped, terms so evidently humane and generous will not leave a doubt remaining with the people of Vermont of the sincere and friendly intentions of Great Britain, and dispose them, tho' late, to give a virtuous example to their countrymen by acknowledging, tho' late, their error, and putting a stop to a ruinous and unnatural war, destructive to the harmony and mutual affection which, until its fatal commencement, constituted the happiness and strength of both countries, and successfully defended their religion and laws against the baneful influence of despotism.

(Signed)

Given, &c., F. H.

H. — *Sir Henry Clinton to Gen. Haldimand.*

NEW YORK, October 2nd, 1781.

*Sir*:—I am honored with your letters Nos. 5 and 6, and agree entirely with you that Vermont should declare immediately.

By letters of the 16th and 17th ultimo, from Lord Cornwallis, he acquaints me that the enemy's fleet, supposed to be 36 sail of the line and one 50, are in the Chesapeake, and had landed about 3500 men to join La Fayette, and as Washington is gone thither with those under Rochambeau and 2000 rebel troops, Lord Cornwallis' situation is become alarming, which is rendered still more so by the necessary delays of refitting our fleet, which is only 23 sail of the Line and 3 fifties.



All agree that the only way to succour his Lordship is by going to Chesapeak. I hope to sail about the 12th. Every exertion will be made to penetrate and form a junction with him. Should that fail, a move will probably take place through Jersey against Philadelphia. A very early effort towards Minisink going southward with the season would be of great use. If Lord Cornwallis is relieved and the French fleet quit the Chesapeak, operations will go on in Chesapeak all winter.

*General Washington to Colonel Roger Enos.*<sup>1</sup>

CAMP BEFORE YORK, Oct. 6, 1781.

*Sir:*—I yesterday received your favor of the 26th August, and am glad to find that matters are like to be accommodated to the mutual satisfaction of the people of Vermont and those neighboring states, whereby the strength of a numerous body will be thrown into the general scale, and the enemy disappointed in the hope which they entertained of separation of interests. You will be pleased to correspond with major-general Heath, who commands the army at the northward. It will be necessary also for you to keep a communication with brigadier Stark, who commands at Saratoga and in that district.

I am, &c.,

G. WASHINGTON.

*General Stark to Major-General Heath.*—[Extract.]<sup>2</sup>

October 8. I have promises, in case of an attack, that the Vermonters shall once more come to my assistance. I am in hopes to give you an account of a small acquisition in the course of a few days. Any thing extra you must not expect, as I am only prepared to act on the defensive.

October 11. General Stark directed colonel Gansevoort to hasten all the troops, the enemy having passed lake George.<sup>3</sup> This was incorrect, but produced much alarm and activity in preparations for defense. On the 12th, general Schuyler wrote to Stark that he had called on colonel Gansevoort, and sent expresses to every quarter of the country to hasten on the militia. Major-general Heath, on the same day, sent up a New Hampshire regiment of the Continental line.<sup>4</sup>

<sup>1</sup> *Washington Letters*, in State Department. <sup>2</sup> *Memoir of Stark*, 266.

<sup>3</sup> *Clinton Papers*, No. 4060. <sup>4</sup> *Memoir of Stark*, 271.

H. — *Lord George Germaine to Gen. Haldimand.*

No. 92. Oct. 12th.

The Minister says—I am anxious that General Haldimand should receive my dispatch that was intended to have gone by the Cerberus, as it contained instructions, which by his letter to you appear to be all that is wanting to effect an accommodation with the Vermont people, and I send you enclosed herewith an unsealed duplicate of my letter, that you may forward either the whole or extracts, by such conveyances as you can confide in, and if you have a proper opportunity, acquaint Ethan Allen with the King's Gracious intentions to make the boundary of the New Province as extensive as he can desire.

Indorsed: "Extracts from the Minister's correspondence respecting Vermont."

October 15. In the midst of the general alarm just noted, colonel Gansevoort reported to governor Clinton that colonel Van Rensselaer had made a prisoner of a Mr. [Samuel] Fairbanks, a private of his regiment, but who had been commissioned by Vermont as lieutenant-colonel. This happened at Lansingburgh, over which Vermont then claimed jurisdiction. The report stated that Fairbanks escaped, and collected a party of men at the house of a Mr. Douglas. By order of Van Rensselaer, this house was surrounded, when the men in the house fired and wounded two men, and escaped the back way, except one man, who is a prisoner.<sup>1</sup>

*Col. Samuel Robinson, of Vermont Militia, to Gen. Stark.*<sup>2</sup>

BENNINGTON, Oct 16, 1781.

*Dear General:*—I am surprised to learn that the militia of Albany county have no other business upon their hands, at this time of general alarm and danger, than to distress the inhabitants of Vermont, as if they considered the British from Canada not sufficient for our destruction, at a time when all our militia are under marching orders, and most of them have already marched. This they [the New York authorities] think a proper time to manifest their spite and malice. Part of my regiment has marched to Castleton. I shall this morning follow with the remainder. If your honor cannot find the militia of Albany some other employment, I shall march my regiment to that quarter, and try powder and

<sup>1</sup> *Clinton Papers*, No. 4071.

<sup>2</sup> *Memoir, &c. of Stark*, 275.

ball with them, which I have as well as they. I pray your honor to check them if possible.

I am, dear general, your very humble servant,  
*Hon. General Stark, Saratoga.* SAM'L ROBINSON.

*Gen. Safford, of Vermont Militia, to Gen. Stark.<sup>1</sup>*

BENNINGTON, October 17, 1781.

*To Brigadier General Stark: Sir:—*In consequence of your request to me of the 11th, I sent orders to the militia, now considered in this state, in the neighborhood of the New City [Lansingburgh.] Lieutenant-colonel Fairbanks is present with me, and informs that, in obedience to my orders, he had mustered a number of men to march to your assistance on Sunday morning. Saturday evening, colonel Van Rensselaer came with a party of men from Albany, and its vicinity, and took them prisoners, broke open their houses, and much distressed their families. Such conduct appears very extraordinary at this time, when every man ought rather to be employed in the defense of his country, than in destroying his neighbor's property. What colonel Van Rensselaer designs, is best known to himself: but it has the appearance of preventing men going to defend the frontier at this critical moment. I have ordered one half of our militia to the north, and the remainder I expect must shortly follow. The inhabitants of this western territory are willing to do their duty under Vermont, but are prevented by York. And now, sir, if you judge it lies within your province to quiet those disorders, I must entreat you to do it. That we may be united is my sincere desire. The dispute of jurisdiction must be settled between the states; but if such conduct is persisted in before [such settlement by the states,] I must repel force by force, and the hardest fend off.

I am, with sentiments of esteem, your obed't serv't,  
SAM. SAFFORD.

While the West Union wore this angry aspect, there was a suspicion of intended violence in the East. The general assembly of Vermont had met on the 11th at Charlestown, one of the New Hampshire towns which had united with Vermont. At this post colonel Reynolds was stationed with a New Hampshire regiment, which on the 10th numbered four hundred men, but by maj. gen'l. Heath's order of that date, two hundred had been directed to join Stark, leaving that number to defend the north-eastern frontier.<sup>2</sup>

<sup>1</sup> *Memoir of Stark*, 277. <sup>2</sup> *Same*, 267.

It was suspected by the Vermonters that New Hampshire designed by this force to prevent the sitting of the assembly at Charlestown, whereupon "the friends of Vermont advised the major [colonel,] if he had any instructions from New Hampshire, which were hostile to Vermont and the East Union, that it would be for the sake of humanity advisable for him to keep them to himself, as his force would not avail: this he prudently did, and the assembly convened and proceeded to business without opposition."<sup>1</sup>

H.—*Extracts: Proceedings of General Assembly in [grand] Committee.*

STATE OF VERMONT, }  
Charlestown, October 16, 1781. }

The Governor and Council having joined the General Assembly in a committee of the whole to take into consideration the report of the Hon'ble Jonas Fay, Ira Allen and Bezaleel Woodward, Esquires, who were appointed by the Legislature of this state June last to repair to the American Congress with powers to propose to and receive from them terms for an union of this with the United States, &c.

His Excellency Thomas Chittenden, Esq., in the chair.

The said agents laid before the committee the several papers exchanged between them and the committee of Congress.

The Committee then proceeded to the consideration of the resolutions of Congress of the 20th of last August, and other papers mentioned in the report of said agents, and after some time spent thereon,

*Resolved*, That inasmuch as the resolutions of Congress of the 7th and 20th of August last, did by no means comport with, but entirely preclude, any propositions made by our agents; [it is therefore, the opinion of this committee, that the propositions made by our agents] to the committee of Congress on the 18th of August last ought not in future to be considered as binding on the part of Vermont.

*Resolved*, That it be and is hereby recommended to the Legislature of this state that their thanks be returned to our honorable agents for their good services in behalf of this state, in the business of their late mission to the Congress of the United States of America.

This committee recommend to the Legislature, notwithstanding the late resolution of the Honorable the Congress, that they remain firm in the principles on which the state of Vermont first

<sup>1</sup>*Vt. Hist. Col.*, Vol. 1, 436.

assumed government, and hold the articles of union which connect each part of the state with the other inviolate. And for the further information and satisfaction of the Honorable the Congress and the world, do recommend to the Legislature to publish the following articles which respect the admission of Vermont into the Federal Union, viz :

*Articles of Union with the respective Districts and the Legislature of Vermont.*

That no member of the Legislature shall give his vote or use his influence that the independence of Vermont shall be submitted to the arbitrament of any power. That whenever this state shall become united with the American States, and there should then be any disputes about boundary, she will then, as she ever proved [proposed], submit to Congress, or such other tribunal as may be mutually agreed on, the settlement of any such dispute ;

And that the impartial world may be fully convinced of the good and laudable disposition of Vermont, and her readiness to comply with any reasonable proposals for the adjustment of the disputes respecting boundary lines between this and the neighboring states of New Hampshire and New York, this committee further recommend to the Legislature that they make the following proposals to the said states of New Hampshire and New York, respectively, that

Whereas disputes have arisen between the states of New Hampshire and Vermont relative to the jurisdictional boundary lines, &c., the Legislature of the state of Vermont, being willing and desirous to promote unity and good accord between the two states respectively as far as in them lies, do propose to the Legislature of the state of New Hampshire that all matters relating to the aforesaid dispute shall be submitted to five or more judicious, unprejudiced persons, who shall be mutually agreed on and chosen by a committee of [the] Legislature, on the part of each state respectively, and that the states of New Hampshire and Vermont do pledge each their faith to the other that the decision had by the persons so elected, being made up in writing and by the chairman delivered to the Secretaries of each state respectively, shall be held sacredly binding on each of the said states of New Hampshire and Vermont forever. That an offer of the same tenor be also made to the Legislature of the state of New York.

This committee further recommend to the Legislature that the whole of the proceedings of this committee be officially transmitted to Congress, after they are properly revised by a committee to be appointed for that purpose, and that they be enclosed in a suitable letter under the signature of His Excellency the Governor and directed to the President of Congress.

*Resolved*, That this committee advise that the Legislature recommend to the authority in every part of the state that they remain firm in the support of government and a punctual execution of the laws, notwithstanding the various measures taken to create divisions and discords.

STATE OF VERMONT,  
{  
In General Assembly, October 19, 1781. }

The foregoing report was read, and

*Resolved, unanimously*, That it be accepted.

Att. ROS. HOPKINS, *Clerk*.

In Council the same day read and concurred.

Att. JOSEPH FAY, *Sec'y*.

Copy Ex. Att. THOMAS TOLMAN, *Dep'y Sec'y*<sup>1</sup>

Indorsed, "Extracts of Vermont Affairs, No. 34."

Oct. 19. Lord Cornwallis surrendered his army to gen. Washington.

Oct. 22. IN GENERAL ASSEMBLY: A letter from Col. Samuel Fairbanks, directed to his excellency the governor, was laid before the house, informing that a party of men, under the command of Col. Van Rensselaer, had taken a number of men belonging to the New City, &c., and had divided their party which had met, and one party taking the other party of men under his [meaning Col. Fairbanks'] command, fired at each other sundry times, and wounded three of their own party, &c.<sup>2</sup>

<sup>1</sup> For the official record of proceedings of the Legislature of Vermont, Oct. 16-19, 1781, see *State Papers*, 160-162.

The following was omitted in the copy sent to Gen. Haldimand:

"The Commissioners chosen for the above purpose, [to treat with Commissioners of New Hampshire and New York]—the Hon. Elisha Payne, Jonas Fay, Ira Allen, and Peter Olcott, esquires, Daniel Jones, esquire, colonel Gideon Warren, Phineas Whiteside, esquire, colonel Joseph Caldwell, and Ezra Styles, esquire.

"*Resolved*, That it be an instruction to the said Commissioners, that they prepare, and make the necessary defense in the premises, and that they introduce the said matters to New Hampshire and New York, in such way as to them shall seem best."—*State Papers*, 162.

<sup>2</sup> *Assembly Journal*, 1778-1784, 309. This seems to mean that a New York party was holding Fairbanks in the house of Douglas, and that it was this New York party that fired at the other New York party which surrounded the house. By the report to gov. Clinton, the firing was charged to a company in the house under Fairbanks, who escaped in the confusion of their assailants, one man excepted.

Oct. 23. IN GENERAL ASSEMBLY: The committee appointed to inquire of the treasurer how much paper currency there is now in circulation, and how much there is in the treasury; and of the land committee how much there is due for lands; and of the paymaster how much there is due to the soldiers, &c., brought in their report, viz.:

That as nearly as can be ascertained, the amount of paper currency in circulation is £21,300; that there is now due for lands granted, £6,835,<sup>1</sup> which will be soon paid into the treasury; that there is nine hundred men in service, who have received their pay up to the first day of July, [and] that it will require £10,000 pounds to complete their pay up to the first of December.<sup>2</sup>

Oct. 25. Gen. Stark was informed by maj. gen. Heath that he had requested maj. gen. Lord Sterling to take the command in that department in case of emergency; but if the enemy did not come in force, Stark was to remain in command.<sup>3</sup>

*Gen. Enos to Gen. Stark.*<sup>4</sup>

HEAD-QUARTERS, Castleton, October 26, 1781.

*Dear Sir:*—Captain Salisbury this instant returned as a scout from the Mount [Independence,] which he left last evening. He lay in sight of the enemy's works the chief part of the day. They are repairing the fortification at [Ticonderoga,] and have covered the long barracks. Nearly two hundred cattle were employed in drawing cannon, &c., from their boats. Behind the old French lines appeared a large number of smokes, where it is supposed the chief part of their army is quartered. Col. Walbridge informs me, by express, that he has not as yet made any discovery from lake George and that quarter. He has my directions, in case of any important discoveries, to make immediate returns to you.

I am, sir, your most obed't h'bl serv't,

ROGER ENOS.

*Hon. Brigadier Stark.*

A second letter, same to same, of the same date, confirmed the foregoing information, and added that it was supposed the enemy's force amounted to nearly one thousand men.

<sup>1</sup> First written "£," and changed to "\$."

<sup>2</sup> *Assembly Journal*, 1778-1784, 313, 314.

<sup>3</sup> *Memoir of Stark*, 280. <sup>4</sup> *Same*, 282.

H. — *British Commissioners to Gen. Haldimand. Extracts concerning Vermont.*

1781. 27th October. The enclosed papers I received by the hands of \* \* \* who had directions to deliver them privately to me.

Mr. A——'s letter, and the manner of its conveyance, with the correct account he gives of the proceedings of the Assembly, serve to convince me of his sincerity and loyal intentions, but I cannot see anything in the enclosed papers to induce me to think, with him, that "these matters may yet crown our most sanguine expectations." On the contrary, I am much disappointed to find our trusty friends \* \* \* \* are left out of the Council and Assembly of Vermont.

Mr. A——'s messenger has not yet appeared. We cannot account for the delay, for every account we have from Vermont is favorable. They have chosen Mr. C. Governor, and their Lieutenant Governor and Council are of such men as favor a re-union; but notwithstanding these flattering prospects, we do not choose to send His Excellency's Proclamation until we are better able to judge of the acceptance it will meet with. This we hope soon to learn by pretty certain means we have taken for that purpose. Colonel St. Leger has sent back one of their scouts, taken by surprise, with a declaration signifying his amicable intentions to them. This was an idea of the Colonel's, and I think cannot fail of having a good effect at this time if that people have the remotest wish for a re-union.

As soon as I can learn that the Proclamation will not be despised, I shall send it, and wait as long as the weather will permit for an answer.

[ENCLOSURE.]

(COPY.) *Letter from* \* \* \* \* *[Ira Allen.]*

I received yours of the 3rd ultimo, and marked well the contents. You are no doubt impatient waiting a return from me, but I must inform you that every matter has not operated as was expected; yet in confidence, and pursuant to my engagement, I transmit the heads of facts, that you may lay the same before the General for his information.

A few days before the present session, there was news from various quarters that Admiral De Grasse had arrived at Chesapeake with 28 Ships of the Line and 3000 land forces, exclusive of the fleet at Rhode Island, which it is said are gone to Charlestown to act in conjunction with General Green. That Admiral De Grasse and the English fleet had had a severe engagement, in which the



English were defeated, and the accounts appear to me so exaggerated that I shall not pretend to give you them. But by the New York papers it appears that the English were second best, and that the French keep the Bay, which prevents Lord Cornwallis' retreat. General Washington, with a division of his allied Army, has joined the Marquis, who commanded in Virginia, and some report that Lord Cornwallis with his Army are prisoners. These accounts, whether true or false, have their effect on the people.

By the enclosed list of the officers of government for the present year, and by the mark of the number of new ones, you will see there has been a great change, which in many instances I find favorable; but these matters are so delicate, and so many strangers, I have not sounded them all yet. It is to be observed there are spies from the other states watching our motions. By the enclosed extracts of the proceedings of the committee of both Houses, you will see how we have dispensed with the resolutions of Congress.<sup>1</sup> The proposals to settle with the neighboring states we view in present circumstances a polite way of closing the treaty with Congress, and which will tend much to strengthen internal connections. There were but two dissenting votes in the whole. It is with regret I am necessitated to request that you do not send the proposed proclamation at this time, as the before recited southern accounts seem to forbid it for the present, yet the time will come when they will answer the design intended. There is an account of Admiral Digby's arrival at New York, and that he has only three ships of the line. I, however, expect more favorable news from the southward soon. Movements in these parts but too much depend on success to the south, as this people do not feel themselves able to oppose the world, which makes it hard and somewhat dangerous making the first public move, and to publish these matters before they are fully ripe, might at least endanger the whole system so well calculated for the happiness of this people, and on which I have placed my ambition. You may depend this people do not feel themselves under that obligation to Congress that they once did, but are losing sight of that object fast; and should the General's patience hold out, and the frontiers not be invaded to rouse that spirit which there has been so much pains taken to lay, these matters may yet crown our most sanguine expectations. In full confidence of this, I submit the whole matter to those whose right it is to determine. I am, &c., —

<sup>1</sup> *Ante*, 186-188.

H.—*Sir Henry Clinton to General Haldimand.*

INTELLIGENCE. 27th October, [1781.]

As for affairs at Cornwallis' army you must not be offended if I tell you I cannot give you any satisfactory accounts. Those I have received are such as induce me to believe His Lordship is very much crowded on every side. How it will turn out Lord only knows. A short time will determine the point.

As to the disposition of the Vermonters it is almost as difficult to satisfy you about them as it is about Lord Cornwallis for their minds will be actuated entirely by the southern affairs. But if the leading men in Vermont should agree to any thing that favored Canada I am perfectly satisfied the populace would oppose it.

I was favored with your letter of the 19th of July by the Matross of the artillery.

There are now no hopes of recovering the army of the convention by exchange, the rebels having had nothing in view by the negotiation they proposed for that purpose but to still the clamors of their own officers prisoners with us. I am disappointed in my expectations of a re-inforcement from the West Indies. However I sent you three regiments, one of which was British, which, had they arrived, would, with the 650 recruits and artillery from Europe, have amounted to rather more than your demand. They sailed under convoy of the *Renown*, but unfortunately met with a violent storm which dispersed the fleet and damaged the ships. The *Renown* has since returned here with seven companies and some convalescents of the 44th, and some part of the regiment of Louisburg, but the whole of the regiment of Knyphausen and the remainder of the British are missing.

From the present situation of affairs Georgia will be exposed to great danger unless South Carolina is reduced. Having therefore no alternative left, I shall detach a considerable armament for that purpose. I hope your Indians will be prevailed upon to threaten the frontiers of Niagara in great force, which will operate in favor of the southern move, while a considerable fleet may probably be employed to co-operate in the Chesapeake.

I have received your dispatches by the *Defiance*.

Oct. 27. Col. Wallbridge wrote to gen. Stark, detailing information received from a deserter, that gen. St. Leger arrived at Ticonderoga on the 25th, with four gun-boats, two ammunition-boats, thirty batteaux, a number of shipping, and two thousand men. Ten batteaux and one whale-boat were taken over to lake George.

Oct. 29. Lord Stirling, at Albany, wrote to Heath that he and Schuyler were to visit Stark, who was making repeated calls for militia; but Lord Stirling suspected the enemy would give no opportunity for the use of them.

Oct. 30. Gen. Enos, at Castleton, wrote to gen. Stark that he had no doubt the enemy would pass lake George for Stark's quarter. "For want of provisions [Enos] has been obliged to discharge the greater part of the militia of Vermont, which greatly disappoints my intended operations with you. On Thursday night [Nov. 2] I will be at Fort Ann with four hundred men, where I shall wait your directions, with intelligence where the enemy are." Wants ammunition. The account sent by Col. Walbridge on the 27th was confirmed. Not more than four or five hundred [British troops] remained at Ticonderoga. Thinks the movement made [via lake George] with two or three thousand men.

St. Leger reached Ticonderoga on the 25th of October, and about that time, in a skirmish between British and Vermont scouts, sergeant Tupper, of the Vermont militia, was killed. It was an accident, as neither did St. Leger on the part of the British, or general Enos and colonels Fletcher and Walbridge on the part of Vermont, intend to have any violation of the armistice. St. Leger gave an honorable burial to the body of the unfortunate sergeant, and sent his clothing, with an open letter expressing his regret, to gen. Enos. Information of this event was sent by express to gov. Chittenden, at Charlestown, and it was received about the time of the final adjournment of the general assembly on the 28th, together with letters connected with the pending negotiation. While the bearer of the letters was proclaiming the death of sergeant Tupper to an excited crowd, the letters were duly prepared by Nathaniel Chipman, under the direction of the Board of War, by omitting all matter designed to be kept secret, and were then read to the council and assembly. This *ruse* was not a little aided by a spirited by-play, in which Ira Allen of Vermont and maj. [colonel] Reynolds of New Hampshire were parties.<sup>1</sup>

<sup>1</sup> Ira Allen, *Vt. Hist. Coll.*, vol. I., 436-438. *Early History*, 369-371, 377. *Life of (Nathaniel) Chipman*, 37, 38.

The only act of the general assembly—Oct. 11–28—touching the war, was an act for the purpose of procuring provision for the troops, to be employed in the service of this state, for the year ensuing.<sup>1</sup>

H. — *Gen. James Robertson to Gen. Haldimand.*

October 31, 1781.

*Dear Sir* :—Thanks for the furs, your letters and the great pleasure I have in being continued in your friendship.

Sir Henry Clinton with about 6000 men went on board a fleet of 25 sail of the line, to try to relieve Lord Cornwallis. He was forced to surrender on the 29th, [19th] the very day our fleet sailed. We have not heard from Sir Henry nor of our fleet. Sir Henry and Mr. Digby, who is a secret Commissioner, on their arrival will consider and answer the letters about Vermont. I will willingly give up a very good estate in that country and every provincial interest, to fix these people in the interest of the crown, but I doubt this secret event will defeat all your trouble and pains. General Arnold says Pere Floquet is an inveterate enemy, Jacob Rove no better, and indeed the gross of the Boston Traders little better. He had no friendly acts from any of the noblesse.

Ever yours, &c., &c., &c.,

JAMES ROBERTSON.

Indorsed, "General Robertson to General Haldimand, 31st October, 1781."

1781. A citizen of Cambridge [in the West Union] suggested November 1. ed to governor Clinton an association to resist the Vermonters.<sup>2</sup>

H. — EXTRACTS CONCERNING VERMONT.

*Col. St. Leger to Gen. Haldimand.*

(COPY.) 1781.

TYCONDEROGA, 2d November.

My letter to Mr. Chittenden had the desired effect upon the minds of the people.<sup>3</sup> The most inflamed rebels begin to reason coolly and attend to the voice of the more moderate, while the well wishers of Government took great pains to give it as extensive a currency as possible, with their own comments.

H. — *British Commissioners to Gen. Haldimand.*

TYCON'DA, 2d Nov.

Sending back the prisoners with the letter from colonel St.

<sup>1</sup> *State Papers*, 440. <sup>2</sup> *Clinton Papers*, No. 4124.

<sup>3</sup> Letter of 27th October, noticed by British Commissioners, p. 190.

Leger has been attended with as much success as could be expected. The leading men were much pleased with it, and as soon as the militia at Castletown, Pittsford and Skeenesborough learned the contents of the letter, they returned to their homes, saying they saw no reason to risk their lives and fortunes in the defence of New York. From every intelligence that can be obtained, it appears that nothing more can be done with Vermont to any effect until it is known how matters turn at Chesapeake, as the attention of these people seems anxiously fixed upon that quarter. I cannot but flatter myself that N. Y. and Vermont will soon be at war with each other.<sup>1</sup> I am certain their former enmity and jealousy will be much augmented by the management of the present expedition, sending back the Vermont prisoners, &c., in consequence of which they have finally denied General Stark any assistance.

Inclosed I send you a few articles of intelligence just received from a friend on whom I can depend.

In the Haldimand Papers, the succeeding letter, apparently referred to above, is marked "Intelligence," but it was a letter from Sir Henry Clinton to Gen. Haldimand, Oct. 27, 1781, given *ante* 192. Possibly Gen. H's. secretary by mistake put Sir Henry Clinton's letter under that head, and omitted the "intelligence" sent as above from Ticonderoga.

*Gen. Enos to Gen. Stark.*<sup>2</sup>

FORT ANN, NOV. 2, 1781.

*Dear Sir:*—I arrived at this place last evening with the number of men as mentioned in my last, with five days' provisions of beef, and one of bread; was disappointed in every way of procuring the latter article, of which I am now destitute. I am extremely sorry and much disappointed that you did not furnish me with the number of cartridges required. As the Hampshire forces are destitute of ammunition, I judge it improper to proceed to Fort Edward, unless there shall be absolute occasion. I have this instant heard a firing of cannon and small arms at Fort Edward,<sup>3</sup> and shall immediately send a scout to that place, for intelli-

<sup>1</sup> On page 132 are extracts of a letter charged to "Dr. Smith," which the editor conjectures meant George Smith, (or Smythe, as Ira Allen wrote it,) a citizen of Albany, a tory, and one of Haldimand's commissioners. It was evidently written to inflame governor Clinton against the Allens, and so far it is in harmony with the wish above expressed. He understood the significance of the "8th May."

<sup>2</sup> *Memoir of Stark*, 284.

<sup>3</sup> Probably in honor of the capture of Cornwallis and his army.

gence. If no discovery of the enemy be made, I shall be under the necessity of returning to Castleton.

I am, dear Sir, your obedient servant,      ROGER ENOS.  
*Hon. Brigadier Gen. Stark.*

Nov. 3. Lord Stirling wrote from Saratoga to maj. gen. Heath that there was no appearance of an enemy that side the narrows of lake George, and but a few at Ticonderoga. It being the opinion of Stark, Schuyler, and others, that there was no longer any necessity for the militia, they were discharged. The same to gov. Clinton.<sup>1</sup>

Col. St. Leger had at this time received intelligence of the capture of the army of Cornwallis, and he at once withdrew his force to Canada. Ira Allen's statement was this:

The packet containing Colonel Allen and Major Fay's letter<sup>2</sup> was delivered at Ticonderoga about ten o'clock in the morning. About an hour after, an express arrived from the southward, which was supposed to contain the news of the capture of Lord Cornwallis and his army; for before evening, the troops, stores, &c. were embarked, and with a fair wind returned to Canada. Thus ended the campaign of 1781, with the accidental loss of only one man, on the extensive frontiers of Vermont, exposed to an army of ten thousand men; yet she did not incur any considerable debt. Such were the happy effects of these negotiations.<sup>3</sup>

Nov. 5. While the Vermont militia were retiring from the western and northern frontiers to rejoice in the comforts of peaceful homes, the adherents to New York in the south-eastern part of Vermont were fomenting new troubles:

On the 5th of November 1781, Seth Smith, Elijah Prouty, Daniel Shepardson, and Hezekiah Stowell informed governor Clinton, by letter, of their disapprobation of the "present basis of government" as established in Vermont, and of the threatenings with which they had been menaced by the people of that state. They further declared, that "vast numbers" still held to the state of New York and to the authority of congress, but were constrained to suppress their sentiments from regard to personal safety. In

<sup>1</sup> *Clinton Papers*, No. 4125.

<sup>2</sup> Called "Mr. A——'s letter" by the British Commissioners—*ante* 190.

<sup>3</sup> *Hist. Collect.*, Vol. I, 438.

proof of these statements, they referred the governor to lieutenant Israel Smith, the bearer of the letter.<sup>1</sup>

*General Stark to Governor Chittenden.*

SARATOGA, Nov. 5th, 1781.

*Sir*:—Ordered by his excellency, the commander-in-chief, to assume the command of the northern department, and to call, if necessary, upon the militia of this state, [meaning New York, though Vermont then claimed Saratoga, and that town was represented in the Vermont general assembly,] and those of Vermont, for protecting the frontiers of both states, I have observed, with great satisfaction, the alacrity with which both have taken the field on every requisition; but, accountable as I am to superiors, and inexcusable as I should be if I neglected to advise them of any circumstances which carry the aspect of iniquity, I wish to receive the most authentic information respecting the sergeant of the Vermont militia who was slain, and his party captured by the enemy.

I expect your excellency will enable me to furnish a minute detail of it to congress, by affording me a perusal of the original letter, which the British commanding officer is said to have written to you upon the occasion. This will be returned you by a safe hand, and a copy transmitted to congress.

The report, as brought to me, is that, upon the party's arrival at Ticonderoga, the British officer expressed great displeasure that the citizens of Vermont had been disturbed; that he sent for the corpse of the deceased sergeant, caused it to be interred with military honors, and then dismissed the captured party with what liquor and provisions they chose to carry away, and delivered them a letter of apology to your excellency. If this be true, it indicates a deep stroke of policy on the part of the enemy, to raise a suspicion in the minds of all Americans that the Vermonters are friendly to them, or that they really have some encouragement from some people in Vermont.

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<sup>1</sup> *Eastern Vermont*, 414. *Clinton Papers*, No. 4129. This letter having come to the knowledge of the Vermont authorities, Seth Smith was indicted, at Windham county court, December 1781, for "conspiring and attempting an invasion, insurrection, and public rebellion" against Vermont, and for "attempting the alteration and subversion" of its "frame of government by endeavoring the betraying the same into the hands of a foreign power"—to wit, New York. These grave charges so frightened Smith that, to use his own phrase, "he was obliged to appear to depart," and find shelter under the wings of governor Clinton. — *Eastern Vermont*, 414-419.

That the principal portion of the people of Vermont are zealously attached to the American cause, no honest man can doubt; but that, like every other state, it contains its proportion of lurking traitors, is a reasonable supposition; and if these, by their machinations, have brought upon the people injurious suspicions, there is no doubt but the latter will severely punish the miscreants as soon as their misdeeds are fully developed.

No exertion on my part shall be wanted to eradicate every suspicion injurious to the people of Vermont. Your compliance with my request will probably afford me one of the means, and I pray most earnestly your acquiescence, that I may detail the whole business in its true light.

I congratulate you, with the most heartfelt satisfaction, on the glorious event which has placed another British army in our power, which was announced on the third instant by a discharge of *fourteen* cannon,<sup>1</sup> and yesterday by that of a like number of platoons, in honor of the United States of America.

I am, Sir, respectfully, your humble servant,

JOHN STARK.<sup>2</sup>

*General Orders by Major-General Heath.*—[Extract.]

HEADQUARTERS, Continental Village, }  
November 9, 1781. }

The general has the pleasure of acquainting the army that the enemy have been completely disappointed in their designs on the northern frontiers of this state, in consequence of the measures adopted to receive them in the vicinity of the lakes, in which the general is much indebted to major-general lord Stirling, brigadier-general Stark, and the officers and soldiers both of the regular troops and militia, who, with great zeal and alertness, pressed forward to meet the enemy.<sup>3</sup>

H. — *Sir Henry Clinton to Gen. Haldimand.*

NEW YORK, Nov. 6 [or 12], 1781.

*Sir* :—I received your several dispatches by His Majesty's ship *Garland*, and as there was a Packet upon the point of sailing for Europe when they arrived, I transmitted to the Minister a copy of your letter of the 1st of October, of your Proclamation, and of the letter marked A., not having had time to prepare copies of

<sup>1</sup> *Note by editor of Memoir of Stark.*—Vermont was not at this time a state. The fourteenth cannon was however fired, as a compliment to her good services in the war, and a hope that she might soon become a state of the union.

<sup>2</sup> *Memoir of Stark*, 285. <sup>3</sup> *Same*, 290.



the whole ; but they shall be sent by the next opportunity, and also laid before Admiral Digby (who is joint commissioner with me) as soon as he arrives in town.

You will not expect more from me by this conveyance respecting your measures with the leaders of Vermont, than a general declaration of my confidence in your endeavours to separate that district from the revolt, and my wish for its success.

The extent of the expectations of the people and of your promise to meet them, will, I apprehend, make it necessary for the Crown to resort to Parliament, for the truth is that the powers of the present commissioners extend only to granting pardons and restoring provinces or districts to the King's Peace, and this alone is the reason of my sending to the Secretary of State these transactions, and I hope you will find no difficulty in preventing our enemies from practicing upon the jealousies of the inhabitants of Vermont before the result of the public deliberation can be transmitted.

P. S. General Arnold says, Monsieur du-Calvert, Pere Floquet, Messieurs Hay, Cord, Freeman and Watts were friends to the Rebels.

Indorsed: "Sir Henry Clinton to General Haldimand, 12th  
November, 1781. Sent overland per \_\_\_\_\_ dispatched  
the \_\_\_\_\_"

*Gov. Chittenden to Gen. Washington.*<sup>1</sup>

STATE OF VERMONT, Arlington, 14th November, 1781.

*Sir*.—The peculiar situation and circumstances with which this state for several years last past has been attended, induce me to address your excellency on a subject, which nearly concerns her interest, and may have its influence on the common cause of the states of America.

Placing the highest confidence in your excellency's patriotism in the cause of Liberty, and disposition to do equal right and justice to every part of America, who have by arms supported their rights against the lawless power of Great Britain, I herein transmit the measures by which this state has conducted her policy for the security of her frontiers; and as the design and end of it were set on foot, and have ever since been prosecuted on an honorable principle (as the consequences will fully evince,) I do it with full confidence that your excellency will not improve it to the disadvantage of this truly patriotic, suffering state; although the substance has already been communicated by Captain Ezra Heacock,

<sup>1</sup> *Correspondence of the Revolution, Letters to Washington*, Vol. III, 440. *Early History*, 500-503. *Life of Chipman*, 384.

employed by Major-Gen. Lincoln, by your excellency's particular direction, and who arrived here with the resolutions of congress of the 7th of August last, which appeared in some measure favorable to this state.

I then disclosed to him the measures this state had adopted for her security, which I make no doubt have by him been delivered to your excellency; and, though I do not hesitate that you are well satisfied of the real attachment of the government of this state to the common cause, I esteem it nevertheless my duty to this state, and the common cause at large, to lay before your excellency, in writing, the heretofore critical situation of this state, and the management of its policy, that it may operate in your excellency's mind as a barrier against the clamorous aspersions of its numerous, and in many instances, potent adversaries.

It is the misfortune of this state to join on the province of Quebec and the waters of the Lake Champlain, which affords an easy passage for the enemy to make a descent with a formidable army on its frontiers, and into the neighborhood of the several states of New York, New Hampshire, and Massachusetts, who have severally laid claims in part or in whole, to this state, and who have used every art which they could devise to divide her citizens, to set congress against her, and finally to overturn the government and share its territory among them. The repeated applications of this state to the congress of the United States to be admitted into the federal union with them, upon the liberal principles of paying a just proportion of the expenses of the war with Great Britain, have been rejected, and resolutions passed *ex parte* tending to create schisms in the state, and thereby embarrass its efforts in raising men and money for the defense of her frontiers, and discountenancing the very existence of the state. Every article belonging to the United States, even to pickaxes and spades, has been by continental commissaries ordered out of this state, at a time when she was erecting a line of forts on her frontiers. At the same time the state of New York evacuated the post of Skenesborough for the avowed purpose of exposing this state to the ravages of the common enemy.

The British officers in New York, being acquainted with the public disputes between this and the claiming states, and between congress and this state, made overtures to Gen. Allen, in a letter, projecting that Vermont should be a colony under the crown of England, endeavouring, at the same time, to draw the people of Vermont into their interest. The same day Gen. Allen received this letter (which was in August [or last of July] 1780,) he laid it before me and my council, who, under the critical circumstances of the state, advised that no answer, either oral or written, should be returned, and that the letter should be safely deposited till fur-

ther consideration, to which Gen. Allen consented. A few months after, he received a second letter from the enemy, and the same council advised that Gen. Allen should send both letters to congress inclosed in a letter under his signature; which he did, in hopes that congress would admit Vermont into the Union; but they had not the desired effect.

In the fall of the year 1780, the British made a descent up the Lake Champlain, and captured the Forts George and Anne, and appeared in force on the lake. This occasioned the militia of this state, most generally, to go forth to defend it. Thus the militia were encamped against the enemy near six weeks when Gen. Allen received a flag from them, with an answer to my letter dated the preceding July<sup>1</sup> to Gen. Haldimand, on the subject of an exchange of prisoners. The flag delivered a letter to Gen. Allen, from the commanding officer of the enemy, who were then at Crown Point, with proposals for a truce with the state of Vermont, during the negotiating the exchange of prisoners. General Allen sent back a flag of his to the commanding officer of the British, agreeing to the truce, provided he would extend the same to the frontier posts of the state of New York, which was complied with, and a truce took place, which lasted about three weeks. It was chiefly owing to the military prowess of the militia of this state, and the including the state of New York in the truce, that Albany and Schenectady did not fall a sacrifice to the ambition of the enemy that campaign.

Previous to the retiring of the enemy into winter quarters, Col. Allen and Major Fay were commissioned to negotiate the proposed exchange of prisoners. They proceeded so far as to treat with the British commissioners on the subject of their mission, during which time they were interchangeably entertained with politics, which

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<sup>1</sup>This would be admitted as strong record evidence against the theory on pages 62-66, but for the editor's conviction that IRA ALLEN was the author of the letter to Washington of November 14, 1781. The Council, of which Allen was a member, held a special session on that day, and the style of the letter is unmistakably Allen's. Compare this letter with Allen's statement of the same events in his history, and particularly with Allen's letter to colonel Lee, written on the 8th of December, 1781, and the defense of the East and West Unions. This must have been written about the same time, since it was printed at Hartford, Conn., in January 1782. Striking resemblances will be found, not only in grammatical construction and in sentences of the letters to Washington and Lee, but in entire paragraphs of the Washington letter and the Defense. Ethan was of the committee on the Defense, but Ethan and Ira were co-workers. —See *post*.

they treated in an affable manner, as I have been told. But no cartel was settled, and the campaign ended without the effusion of blood.

The cabinet council, in the course of the succeeding winter, finding that the enemy in Canada were about seven thousand strong, and that Vermont must needs be their object the ensuing campaign, circular letters were therefore sent from the supreme executive authority of this state to the claiming states before mentioned, demanding of them to relinquish their claims to this state, and inviting them to join in a solid union and confederation against the common enemy. Letters were also sent to your excellency and to the states of Connecticut and Rhode Island. Each of these letters stated the extreme circumstances of this state, and implored their aid and alliance, giving them withal to understand, that it was out of the power of this state, to lay in magazines, and support a body of men, sufficient to defend this state against the force of the enemy. But to these letters there has been no manner of answer returned.

From all which it appeared that this state was devoted to destruction by the sword of the common enemy. It appeared to be the more unjustifiable, that the state of Vermont should be thus forsook, inasmuch as her citizens struck the first offensive blow against British usurpation, by putting the continent in possession of Ticonderoga, and more than two hundred pieces of cannon; with Crown Point, St. Johns, and all Lake Champlain; their exertions in defeating Gen. Carleton in his attempt to raise the siege of St. Johns; their assisting in penetrating Canada; their valor in the battles of Hubbardton, Bennington, and at the landing near Ticonderoga; assisting in the capture of Gen. Burgoyne; and by being the principal barrier against the power of the enemy in Canada ever since.

That the citizens of this state have by nature an equal right to liberty and independency with the citizens of America in general, cannot be disputed. And that they have merited it from the United States by their exertions with them in bringing about the present glorious revolution, is as evident a truth as any other, which respects the acquired right of any community.

Generosity, merit, and gratitude, all conspire in vindicating the independence of Vermont. But notwithstanding the arguments, which have been exhibited in sundry pamphlets in favor of Vermont, and which have been abundantly satisfactory to the impartial part of mankind, it has been in the power of her external enemies to deprive her of union, confederation, or any equal advantage in defending themselves against the common enemy.

The winter was thus spent in fruitless attempts to form alliances, but no advantages were procured in favor of this state, except

that Massachusetts withdrew her claim, on condition that the United States would concede the independence of Vermont; but that if they would not, they would have their snack at the south end of its territory. Still New York and New Hampshire are strenuously opposed to the independence of Vermont; and every stratum in their power, to divide and subdivide her citizens, are exerted, imagining that their influence in congress and the certain destruction, as they supposed, of the inhabitants of this state by the common enemy, could not fail of finally accomplishing their wishes.

In this juncture of affairs, the cabinet of Vermont projected the extension of their claim of jurisdiction upon the states of New Hampshire and New York, as well to quiet some of their own internal divisions occasioned by the machinations of those two governments, as to make them experience the evils of intestine broils, and strengthen this state against insult. The legislature, accordingly, extended their jurisdiction to the eastward of Connecticut river to the old Mason line, and to the westward to Hudson's river; but, in the articles of Union, referred the determination of the boundary lines of Vermont, and the respective claiming states, to the final decision of congress, or such other tribunal as might be mutually agreed on by the contending governments.<sup>1</sup> These were the principal political movements of the last winter.

The last campaign opening with a gloomy aspect to discerning citizens of this state, being destitute of adequate resources, and without any alliance, and from its local situation to Canada, obliged to encounter the whole force of that province, or give up its claim to independence and run away, Vermont being thus driven to desperation by the injustice of those who should have been her friends, was obliged to adopt policy in the room of power. And on the first day of May last, Col. Ira Allen was sent to Canada to further negotiate the business of the exchange of prisoners, who agreed on a time, place, and other particulars relating to an exchange. While he was transacting that business, he was treated with great politeness and entertained with political matters, which necessity obliged him to humor, in that easy manner that might save the interest of this state in its extreme critical situation, and that its consequences might not be injurious to the United States. The plan succeeded, the frontiers of this state were not invaded; and Lord George Germaine's letter wrought upon congress and

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<sup>1</sup> As Vermont utterly refused to submit the question of her independence to congress, she really had nothing to submit, under the resolution of Oct. 2, 1779, until the East and West Unions had been effected. By these, questions of boundary were *created*, which Vermont was willing to refer to congress.

procured that from them, which the public virtue of this people could not.

In the month of July last, Maj. Joseph Fay was sent to the British shipping, on Lake Champlain, who completed an exchange of a number of prisoners, who were delivered at Skenesborough in September last; at which time and place Col. Allen and Maj. Fay had a conference with the British commissioners. And no damage, as yet, had accrued to this, or the United States from this quarter. And in the month of October last, the enemy appeared in force at Crown Point, and Ticonderoga; but were manœuvred out of their expedition, and are returned into winter quarters in Canada, with great safety, that it might be fulfilled which was spoken by the prophet, 'I will put my hook in their nose and turn them back by the way which they came, and they shall not come into this city (alias Vermont) saith the Lord.'

It remains that I congratulate your excellency, and participate with you in the joy of your capturing the haughty Cornwallis and his army; and assure your excellency that there are no gentlemen in America, who enjoy the glorious victory more than the gentlemen of this state, and him who has the honor to subscribe himself your excellency's devoted and

Most humble servant, . . .

THOMAS CHITTENDEN.

*Governor Chittenden to General Stark.*

ARLINGTON, November 14th, 1781.

*Dear General:*—Your kind favor of the 5th inst. was received on the 10th, but through the extreme hurry of business, and for want of a proper conveyance, I have neglected to answer till now.

The particular account you have requested me to send you in regard to the slain sergeant of the Vermont militia, and the return of the party with him, who were discharged by the British officer commanding, I have thought it my duty to transmit to his excellency, general Washington, together with every other public movement in this vicinity, that in any manner relates to the welfare of the independent states of America. This I doubt not will be satisfactory.

I take this opportunity to return my thanks for the honor done this state, by your directing the discharge of the fourteenth cannon, on your late public day of rejoicing, occasioned by the capture of lord Cornwallis and his army. A like day will probably be observed in this state on the same occasion.

I am, dear general,

Your most obedient, humble servant,

*Brigadier-general Stark.*

THOS. CHITTENDEN.

*Proceedings of the Legislature of New York.*

Nov. 15-19. The Senate and Assembly of New York adopted a series of resolutions, setting forth elaborately the claim of New York to Vermont, and the pledges and obligations to New York of Congress; and further and specially complaining that Vermont had not only rebelled against the authority of New York within the territory originally claimed, but, in contempt of Congress, had set up jurisdiction over a part of the ancient limits of New York. The document entire may be found in *Vermont State Papers*, pages 163-166. The following is the part relating particularly to the then policy of Vermont:

The revolted inhabitants of the said district having arbitrarily erected themselves into a separate and independent state, unrecognized as such, until this day, by this state, or the other United States, and, having framed a government, they have passed laws, granted lands, and exercised civil and military authority over the persons and property of those inhabitants, who profess themselves to be subjects of this state, in manifest subversion of the right of sovereignty and property of this state, and in direct contempt and infringement of several acts of Congress: that, although they had contented themselves with the exercise of jurisdiction principally up to a line running nearly parallel to Hudson's river, at twenty miles distant therefrom, until the month of June last: yet, at that time, notwithstanding the censure and prohibition of Congress, and in contempt of their recommendation and authority, by an act of their usurped government, they extended a jurisdictional claim over all the lands situate north of the north line of the state of Massachusetts, and extending the same to Hudson's river, then east of the centre of the deepest channel of said river, to the head thereof, from thence east of a north line, being extended to latitude forty five degrees, and south of the same line, including all the lands and waters to the place where the said pretended state then assumed to exercise jurisdiction; inserting, at the same time, in their said act, a clause not to exercise jurisdiction within their jurisdictional claims, for the time being: that, of all these matters Congress have been fully apprised, and though repeatedly solicited thereto, by the delegates of this state, have not, hitherto, made any decision and determination of the said controversy, according to equity, as by their said act of the twenty-fourth day of September, one thousand seven hundred and seventy-nine, they pledged themselves, and by the law of this state they were authorised to do: that, to put an end to this delay, so injurious to the jurisdiction of this state, so subversive of its interests, peace and

policy, so promotive of a repetition of those violent acts of usurped civil and military authority, which, in the judgment of Congress, declared in their resolution of the second of October, one thousand seven hundred and eighty, were highly unwarrantable and subversive of the peace and welfare of the United States, and from which they require the people inhabiting the said grants to desist, until the decision and determination of Congress in the premises, they have actually presumed to exercise sovereign authority and jurisdiction, to the full extent of their said jurisdictional claim, by appointing civil and military officers, making levies of men and money, rescuing delinquents from the hands of justice of this state, at the expense of the blood and the loss of the life of one of the subjects of this state, in the execution of his lawful duty, and forbidding the officers of justice of this state to execute their offices, as appears from the papers attendant on his Excellency the Governor's speech, and other due information; that, among these, to shew the actual exercise of jurisdiction by the usurped government of the said grants, by the stile and title of the state of Vermont, over the territory contained within the said jurisdictional claim, is the copy of a certain proclamation, bearing date the eighteenth day of July, one thousand seven hundred and eighty-one, purporting to be under the seal of the said pretended state, signed by Thomas Chittenden, who stiles himself their governor, which, after divers falsities and absurdities therein contained, asserts that commissions, both civil and military, had then been lately issued by the supreme authority of the said pretended state, to persons chosen agreeably to the laws and customs thereof, in the several districts and corporations within the limits of the above mentioned western or jurisdictional claim; strictly requires, charges and commands all persons, of whatsoever quality or denomination, residing within the said western claim of jurisdiction, to take due notice of the laws and orders of the said pretended state, and to govern themselves accordingly, on pain of incurring the penalties therein contained; and strictly requires, charges and commands all magistrates, justices of the peace, sheriffs, constables, and all other civil and all military officers, to be active and vigilant in executing the laws aforesaid, without partiality.

*Resolved*, That the Legislature of this state is greatly alarmed at the evident intention of Congress, from *political expedience*, as it is expressed in a letter from his Excellency the President of Congress, to his Excellency the Governor of this state, of the 8th of August last, and as is evinced in their acts of the 7th and 20th of the same month, enclosed therein, to establish an *arbitrary* boundary, whereby to exclude out of this state the greatest part of territory described in the second resolution above mentioned, belonging, most unquestionably, to this state, as part, parcel and



member thereof, and to erect such dismemberment, possessed by the revolted subjects of this state, into an independent state, and, as such, to admit them into the federal union of these United States; especially as the two last mentioned acts seem to express the sense of Congress, that the territories of this state, by the articles of confederation are, and, as in fact and truth they are, by the second and third articles thereof, guaranteed, and still more especially, as by a proviso in the ninth article, it is provided that no state shall be deprived of territory for the benefit of the United States.

*Resolved*, That it is the sense of the Legislature, that Congress have not any authority, by the articles of confederation, in any wise, to intermeddle with the former territorial extent of jurisdiction or property of either of these United States, except in cases of disputes concerning the same, between two or more states in the union, nor to admit into the union, even any British colony, except Canada, without the consent of nine states, nor any other state whatsoever, nor, above all, to create a new state, by dismembering one of the thirteen United States, without their universal consent.

*Resolved*, That in case of any attempt by Congress to carry into execution their said acts of the seventh and twentieth of August last, this Legislature, with all due deference to Congress, are bound, in duty to their constituents, to declare the same an assumption of power, in the face of the said act of submission of this state, and against the clear letter and spirit of the second, third, ninth and eleventh articles of the confederation, and a manifest infraction of the same; and do, therefore, hereby solemnly *protest* against the same.

H. — *Gen. Haldimand to Sir Henry Clinton.*

(COPY.)

QUEBEC, November 15th, 1781.

*Sir* :—I have requested Capt. Inglis, commander of H. M. ship Pandora (on a cruise to the southward), to deliver to Your Excellency this dispatch. By the Garland Frigate I had the honor of communicating to you at large my transactions with the people of Vermont. I hope the safe arrival of that dispatch has made duplicates unnecessary, as I have not time at present to prepare them; but lest a misfortune should have happened to the Garland, I herewith send a duplicate of my letter dated 1st of October, which will give Your Excellency a general idea of the situation of the Vermont affair and of my intentions at that time which are at present in execution, but which I am sorry to find must have been expected by Vermont from Lord G. Germaine's letter No. 77, to your Excellency of the 7th of last February, which by

some strange fatality fell into the enemy's hands. It is easy to imagine the advantage that might be taken of this circumstance by an artful people who are acquainted from such good authority with the consequence of which they are considered in the political scale.

Enclosed are extracts, &c., lately received from my agents for that business. By these you will perceive they have not found the minds of the people sufficiently prepared to receive the Proclamation eventually to be issued, though no change has appeared in the favorable dispositions of the leading men who profess their wishes for a re-union. The interests of these people so much depend upon the turn affairs will take in the Chesapeake, the state of which I have not the least knowledge of, except by rebel papers which accidentally fell into my hands, that until they are decided it cannot be expected they will, however well disposed, ultimately declare themselves, should that event prove favorable, but not till then. I have reason to expect from the train in which things are, that Vermont will decide for and take an active part with Government, which will open a field for future consideration; but if unfortunately the contrary should happen, adieu to all hopes of negotiation, for the populace, already enthusiastic, will never be gained by persuasion. The season being so far advanced, I every day look for the return of the detachments from the frontiers. My anxiety to learn the situation of affairs to the southward induced me to dispatch a messenger to your Excellency overland. He left this yesterday, and will I hope arrive safe. I shall anxiously wait his return, tho' I have every day hopes of being honored with a dispatch from your Excellency. I have lately had the mortification to learn that the principal channels I have used to convey dispatches and procure intelligence are almost entirely broken up, in so much that whole settlements have been removed at a time across the N. River, owing to the imprudence of recruiting parties of the corps of loyalists, and discoveries by emissaries, and the desertion of rebel prisoners enlarged upon parole. This will make our intercourse still less frequent than it is, and I have to request your Excellency, should you have any matter of import to communicate to me, that you will send duplicates by way of Niagara, or to strike upon Carleton Island, for tho' more tedious, it is at present the most certain route.

Herewith enclosed a duplicate of a cypher which I had the honor to propose to your Excellency by the Garland Frigate.

The trade fleet and victualling transports, under convoy of the *Dedalus*, *Brune*, and *Hind* Frigates, sailed from hence the 25th ulto. and have been put back twice by adverse winds to the Island of *Bie*, where they now are.

(Signed)

FREDERICK HALDIMAND.

*Sir Henry Clinton.*

Indorsed : " Copy General Haldimand to Sir Henry Clinton, Quebec, 15th November, 1781." " 48."

*General Stark, at Saratoga, to Major-General Heath.* — [Abstract and extracts.]

November 29. No wood to be had without going one mile and a half for it. Materials for clothing are to be sent, but " there is but one tailor in the New Hampshire line, and he a drunken rascal, that could hardly be compelled to make three coats in a winter." Cannot find a man in the district who knows where forage is to be obtained for horses. " I cannot sufficiently admire the magnanimous conduct of our soldiers. They certainly put knight errantry out of countenance; and all those whimsical tales, which are generally supposed to have existed nowhere but in the brains of chimerical authors, seem realized in them. But I fear that this virtue will not last forever; and, indeed, it is my opinion that nothing but their too wretched situation prevents an insurrection." He desired leave of absence to visit New Hampshire.<sup>1</sup>

*Collisions in the East and West Unions.*

1781. During the month of December, civil war was threatened in both the East and West Unions, and actual collisions occurred in the latter, growing out of the seizure of lieutenant-colonel Fairbanks by New Yorkers. The contemporaneous action in both sections for a time seriously impressed the governor and council with a suspicion that there had been an agreement between New Hampshire and New York against Vermont;<sup>2</sup> nevertheless, measures were promptly taken to maintain the jurisdiction and authority of the state in both quarters.

December 4. Colonel J. Van Rensselaer, at St. Coick, wrote to general Gansevoort that he [Van Rensselaer] had been taken prisoner by adherents to Vermont in the West Union, and carried to Bennington, with others, who were treated with contempt on the way " by a body of ruffians;" but they were treated by the authorities of Vermont like gentlemen, and discharged, and told they might go home about their business. On the 3d another gentleman had been in like manner arrested, but had been res-

<sup>1</sup> *Memoir of Stark*, 293. <sup>2</sup> *Vt. Hist. Coll.*, Vol. I, 443.

cued while on the way to Bennington. The colonel intended to defend himself and the authority of New York.<sup>1</sup>

December 8. General Stark directed colonel Yates *not to begin* hostilities with the Vermonters, but to stand on the defensive till reinforced.<sup>2</sup>

*Colonel Ira Allen to Colonel Thomas Lee.*<sup>3</sup>

SUNDERLAND, December 8th, 1781.

*Dear Sir:*—I have to inform you that the legislature of New York, at their late session, have revived their claim to the west bank of Connecticut river. They have remonstrated against the resolutions of congress of the 7th and 20th of August last, which virtually invite this state into the confederacy of the United States. In fine, their procedures will most probably for the present bar congress from any further proceedings. When this state are left to vindicate their rights to independence against all the machinations of their old adversary, every measure is taken to divide and sub-divide the citizens of our western territory, to which this state have pledged their faith to support, and which the impartial world will justify this state in, when they consider the former proceedings of the government of New York against this people, and the resolutions above referred to.

It is further to be observed, that if this state are left to support themselves against various powers, the more numerous her citizens are the better; and other advantages which are very important will arise to this state by holding the western territory, which is clearly in the power of this state to support; yet it may be necessary, in order to convince the government of New York that this state will support her jurisdiction, and to suppress some internal divisions to the westward, that a body of the militia should make a move to the west, which would doubtless answer similar purposes as the tour into Cumberland County did.<sup>4</sup> Should anything

<sup>1</sup> *Clinton Papers*, No. 4161. Colonel Van Rensselaer had been in his turn arrested by reason of his seizure of lieutenant-colonel Fairbanks.

<sup>2</sup> *Clinton Papers*, No. 4206. <sup>3</sup> *Ms. Record of Board of War*, 27.

<sup>4</sup> The editor is not aware of any "tour" into *Cumberland* county previous to Ira Allen's and Isaac Tichenor's in 1782. April 25, 1781, the governor and council sent "four persons to take a tour into the new territory lately claimed by the state of Vermont, adjoining to and lying east of Hudson's river, to learn the sense of the people relative to joining this state." It is possible that agents were also sent at that time into *Cumberland* county, or that Allen really alluded to this tour to the western territory. — *Council Journal*, 1781 to 1784, 4.

of that kind be necessary, it is expected by the governor, general Safford, and others who were in council last evening, that you will furnish such proportion of your regiment as shall be necessary. There are other cogent reasons that at this time cannot be inserted in this letter.

It is expected by those in council [last] evening, that you consult your officers and soldiers on this subject, and make these matters familiar to them.

I am, Sir, with due respect,

Your humble servant,

*Col. Thos. Lee.*

IRA ALLEN.

*Gov. Clinton to Brig. Gens. Van Rensselaer and Gansevoort.* —  
[Extracts.]

Dec. 11. Having enclosed papers already noted, gov. Clinton wrote :

I have therefore to request that you will, on his [Gansevoort's] application, afford him such aid from your brigade as shall be necessary for quelling the insurrection and apprehending the offenders.

On the same day gov. Clinton wrote to Gen. Gansevoort :

I perfectly approve of your conduct [in resisting the pretended authority of Vermont], and have only to add that should the force already detached prove insufficient, you will make such additions to it as to make it effectual.<sup>1</sup>

Dec. 12. No. 4216 of the Clinton Papers is an affidavit by Bezaleel Phelps, that he had been admitted into the council of gen. Safford, Moses Robinson, and others, at Bennington, and the result was a determination to disperse the New York party under Col. Yates, by taking their lives or making them prisoners. Had seen writs for apprehending Cols. Yates and Van Rensselaer and others, and punish them by Vermont laws.

On the same day, colonel Yates, at St. Coick, wrote to general Gansevoort that the Vermonters appeared desperate. He had only about eighty men, the "insurrectionists" one hundred and forty-six, and he wanted aid with speed. He thought the Vermonters would only make a great show and encourage the others. The rioters taken by him were secured in a block-house. He wanted a field-piece and artillerymen for defense.<sup>2</sup>

<sup>1</sup> *Clinton Papers*, Nos. 4213 and 4217.    <sup>2</sup> *Same*, No. 4219.

*General Stark to Major-General Heath.*— [Extract.]<sup>1</sup>

SARATOGA, 12th December, 1781.

I have sent to Bennington to gain the particulars of a riot raised some time ago, and which still continues at St. Coicks. The particulars are as follows: Men, under the direction of a captain Abbott, assaulted a public house at Hoosac, seized upon colonel Rensselaer and some others, who considered themselves under the government of New York, and abused them in a most outrageous manner; after which they carried them to Bennington, and called upon the magistrates acting under the authority of Vermont for warrants to arrest them in (as they term it) a legal manner; but, upon the magistrates refusing to interfere in the matter, they were dismissed. Rensselaer, upon his liberation, represented the matter to general Gansevoort, and invited his neighbors to join him and protect him from a second abuse, with which he was severely threatened. Gansevoort approved his conduct, and ordered the militia on both sides the North river above Albany to join them. Those persons called Vermonters discovered the motions of the Yorkers, and immediately collected their forces within half a mile of the quarters of the Yorkers, and in this position the two detachments have continued nearly a week. Yesterday, about twelve o'clock, the Yorkers were about two hundred strong, and the Vermonters about two hundred do. What I mean by Vermonters is those acting under Vermont within the twenty-mile line; *for I cannot learn that any have joined them belonging to old Vermont.*

The last statement was true. Ira Allen stated that the force, arrayed at this time against the New York force, was "the militia of the [West] Union" collected by col. Abbott. Gov. Chittenden had endeavored in writing to reconcile both parties, and had sent gen. Safford and col. Walbridge, who succeeded in quieting the parties somewhat, but could not effect any accommodation. Ira Allen was then sent. He counseled col. Abbott to avoid rash measures, and then visited Gansevoort and his officers. He endeavored to settle the controversy by observing that the measures adopted by New York had compelled Vermont to extend her jurisdictional claims, but that in time of peace the dispute might be adjusted. Gen. Gansevoort said he was much opposed to civil war, but it was the duty of New York to protect those who owed and professed allegiance to New York. Allen replied

<sup>1</sup> *Memoir of Stark*, 296.

that Vermont had an equal right to protect those who acknowledged her jurisdiction ; but it was advisable to use lenient measures on both sides, till Congress should have settled the boundary between the states—thus preventing the horrors of civil war when the common cause required all to be united against Great Britain. Gansevoort would not consent to withdraw his force from the West Union. Col. Allen then returned to gov. Chittenden and advised the sending of a force sufficient (by overawing the New Yorkers) to restore tranquility without bloodshed. “The plan,” said Allen, “was adopted ; and while the governor was making out his orders, directing col. Allen, with a detachment of militia, to prosecute said plan, an express arrived from William Page, esq., [of Charlestown, now in N. H.,] sheriff of the county of Washington, announcing the prospects of hostilities in the East Union, from New Hampshire.”<sup>1</sup>

The letter of sheriff Page was written on the 9th of December, and received by governor Chittenden on the 14th. Colonel Enoch Hale, sheriff of Cheshire county, had been ordered by president Weare, of New Hampshire, to enforce the authority of that state in Washington county. William Page, sheriff by the authority of Vermont, arrested colonel Hale and committed him to jail in Charlestown, from which the following letter was sent :

*Colonel Enoch Hale to Meshech Weare.*<sup>2</sup>

CHARLESTOWN GOAL, December 12th, 1781.

I have to inform your honors that I wait the pleasure of the honorable Committee of Safety, whom, I trust, well know my situation. Sir, I have given bonds for the liberty of the yard, but could not give bonds to appear at an unknown court, for the honor

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<sup>1</sup> *Vt. Hist. Coll.*, Vol. I, 442, 443.

<sup>2</sup> From *Ms. Archives of New Hampshire*, published in the *Burlington Free Press and Times*, March 4, 1871. The following memoranda are in *Ethan Allen Papers*, 376 : “Proceedings with colonel Hale, order of the Committee of Safety, New Hampshire. Proceedings General Court New Hampshire, respecting Coarsive movements, &c. December and January 1781.” [December 1781, January 1782.] Colonel Hale was doubly unfortunate : Vol. VIII of the *Stearns Papers* contained a letter from him [1782] in which he stated he had been taken prisoner *by women*, and taken to Walpole !

of the state that sent me to this place. However, I was prevented doing the business that I was sent upon, yet I found the people to be much disappointed when they see that I refused to recognize [Vermont,] and said that it would immediately bring on a quarrel; and many said they never would take up arms for the sake of jurisdiction, and could only wish to know the pleasure of Congress on the matter, which I think has been much kept from them by designing persons.

Sir, even those that are leading in the insurrection were panic-struck on hearing that two thousand men was on their march, but have since been much encouraged by hearing that the state of New Hampshire did not know what to do with them.

Sir, I think now is the time to put the laws in execution, more especially the state ones.

Sir, the wisdom of the honorable Committee is sufficient to direct them. I am, Sir, with much respect,

Your honor's most obedient, humble servant,

ENOCH HALE.

*Honorable Meshech Weare, Esq., President, &c.*

*Letter and Orders of Gov. Chittenden to Maj. Gen. Elisha Payne.<sup>1</sup>*

ARLINGTON, 14th December, 1781.

Sir:—I have received dispatches from William Page, Esq., Sheriff of Washington County, which give me to understand that there is a high probability that the government of New Hampshire are about taking coercive measures to compel the peaceable citizens of this state to submit to the laws and authority of New Hampshire. The sheriff further desires my special orders in matters relating to the premises, and as my remote situation renders it impracticable that I should have the knowledge of the particular occurrences which may take place should such an attempt be made [by] New Hampshire, therefore I can only give you several orders in the matter, viz: provided that New Hampshire reject the proposals of the Legislature of this state and insist upon hostile measures, you are hereby directed to call on such of the members of the Council and the generals Fletcher and Olcott, and such of the field officers of the militia on the east side of the mountain as you may think proper, and after having consulted matters, if need be, you are directed to call on any or all the militia of this state to the eastward of the range of Green Mountains to your assistance, and to assist the sheriff in carrying into execution the laws of this state, and to defend its citizens against any insult; and provided New Hampshire makes an attack with an

<sup>1</sup>From *Mss. Archives of N. H.*, published in the *Burlington Free Press and Times*, March 4, 1871.



armed force, you are hereby ordered to repel force by force ; and in the meantime you will use every means in your power consistent with the peace, happiness, or dignity of this state, to prevent the effusion of human blood, which at this time might be more or less injurious to the common cause of America, as well as attended with many other serious considerations, and which I pray God may never take place. I am, sir,

Your ob't and humble serv't,

THOMAS CHITTENDEN, *Capt. General.*

*Elisha Payne, Esq., Major-General.*

N. B. Provided a force from New Hampshire precipitate any measure, you must act with that expedition which their manœuvres may require, with such counsel as you can in haste collect.

T. C.

A true copy.

Attest,

WILLIAM PAGE, *Sheriff.*

*General Stark to Colonel Yates.<sup>1</sup>*

HEADQUARTERS, Saratoga, 14th December, 1781.

*Sir* :—Upon anxiously examining the nature of the disputes between New York and Vermont, I am of opinion that violent measures at present would be attended with very evil consequences. If, therefore, colonel Rensselaer can be assured of protection of his person and property, together with positive assurances that his adherents shall remain in peaceable and quiet possession of their estates, and that their persons shall be preserved from indignities and insults until congress shall determine the jurisdictional boundaries — till then, I say, I should think hostilities very dangerous.

Now, Sir, considering the inconveniences of keeping men in the field at this season of the year, I imagine, if the above mentioned preliminaries are agreed to and ratified by responsible men on the part of Vermont, it would be prudent for you to withdraw your men ; but if your orders are to continue in your present station, you must obey. In that case, it would be advisable to apply to general Gansevoort, or the officer who gave the orders, that they might be remanded.

I am, Sir, your most obedient servant,

JOHN STARK.

*Gen. Stark to Meshech Ware.<sup>2</sup>*

SARATOGA, 14th December, 1781.

*Dear Sir* :—Notwithstanding my letters to you seem to be treated with silent contempt, yet, when any thing intervenes where I

<sup>1</sup> *Memoir of Stark*, 300. <sup>2</sup> *Same*, 301.

think my country or the state of New Hampshire in a particular manner deeply interested, I conceive it my duty, apart from common politeness, to inform you of it. Such I deem the late riotous conduct of the state of Vermont, in extending their pretended claim to the westward, and threatening to support it by a military force ; and, indeed, those within the twenty-mile line are actually in arms, in open defiance and violation of the rules of Congress ; and are actually opposing themselves to the troops raised by the state of New York to put their laws and constitution into execution. Two detachments, one acting under the authority of Vermont, and the other under officers owing allegiance to the state of New York, are assembled now at St. Coick, in opposition. For further particulars I refer you to Capt. Fogg, who will have the honor of delivering this.

I have been favored with a perusal of the proceedings of the legislature of Vermont state, on the subject of their being received into the union of the United States, and find that they have not only rejected the resolutions of Congress, but in reality have disavowed their authority ; and I farther perceive that, in their great wisdom, they have thought proper to appoint a committee to determine whether New Hampshire shall exercise jurisdiction to Connecticut river or not. This proceeding appears too weak and frivolous. For men of sense to suppose that New Hampshire would ever consent to an indignity so flagrant, and an abuse so pointed as this seems to be, is what I own surprises me. However, I hope, and indeed have no doubt, that New Hampshire will be more politic than to take notice of this daring insolence. What I mean by notice is, to think of treating with them upon this or any other subject until Congress shall come to a final determination with respect to these people.

I am, sir, with high respect,  
Your most obedient serv't,

JOHN STARK.

*Gov. Chittenden to Gen. Stark.*<sup>1</sup>

ARLINGTON, December 15, 1781.

*Dear Sir* :—I have consulted my council on the perplexed situation of this state, and have resolved to call the legislature thereof to meet at Bennington, as soon as may be ; at which time they will doubtless consult such measures as may tend to the peace and tranquility of this state and the United States.

<sup>1</sup> *Memoir of Stark*, 302. No reply from Stark to this letter is to be found in the *Memoirs of Stark*, but No. 4269 of the *Clinton Papers* covers several letters of this period, and among them are two from Gen. Stark, urging peace and proposing terms.

In the mean time I earnestly request that you write to the officers of New York, that are daily making depredations to the west, to suspend any farther operations of that kind until the assembly meet; and that, if they do not comply, you will not interfere with your troops. And I do assure you that if they comply with said request, and liberate the prisoners they have taken, *I will suspend the exercise of jurisdiction or law over any person or persons who profess themselves subjects of New York, during that time.* I am, sir, with sentiments of esteem, your most obed't and most hbl. serv't,

THOMAS CHITTENDEN.

*Col. John Abbott to Lieut. Col. Henry Van Rensselaer.<sup>1</sup>*

Dec. 16. *Sir*:—I have this minute received orders from my superior which delay me from holding any further treaty with you—therefore I shall not meet you at time and place appointed. I shall not admit of three or four of your men coming into my camp to bring one letter, as they have done heretofore.

I am, sir, your humble serv't, JOHN ABBOTT, *Colonel.*

Dec. 16, 1781.

*Lt. Col. Henry V. Rensselaer.*

Dec. 17. Col. H. Van Rensselaer wrote to Gen. Safford, as appears from the following reply, written by the officer in command of the Vermont party:

*Col. Eb'r Walbridge to Col. H. Van Rensselaer.<sup>2</sup>*

MAPLETOWN, 17 Dec'r, 1781.

*Sir*:—Yours of this day to gen. Safford has been duly considered, and as you are pleased to say that you are not authorized to treat with any but subjects of the state of New York, it is imagined there is none such opposed to you. Those in opposition to the authority of New York, now in arms,—inhabitants of this territory claimed by your state, who profess to owe allegiance to Vermont,—now propose for your consideration, and request your immediate answer, viz.:

1. That you release all the prisoners who are in your custody, belonging to the claims [territory] in dispute.

2. That you make good all damages sustained by individuals by the troops under your command.

3. That all those inhabiting said territory respectively, professing to owe allegiance to New York and Vermont, shall rest quiet and unmolested in their persons and properties until the dis-

<sup>1</sup> *Clinton Papers*, No. 4225.    <sup>2</sup> *Same*, No. 4230.

pute shall finally be adjusted by congress, or such other tribunal as shall be mutually agreed on by the contending powers.

I am, &c.,

E. WALBRIDGE, *Col. in command.*

*Col. Henry Van Rensselaer.*

The overpowering force from "old Vermont," suggested by Ira Allen, was now approaching, and gen. Gansevoort had learned that fact.

*Gen. Gansevoort to Col. Walbridge.*—[Abstract.]<sup>1</sup>

Dec. 18. In pursuance of a law of New York, he had been detached with a part of his brigade to suppress an insurrection of some of the inhabitants of Schaticook and Hoosac; that he had come to aid the sheriff of the county to apprehend the insurgents; and was informed that a large body of troops from the Grants were marching in force, with artillery; but before he proceeded any further, he wished to be informed what was the object of their movements into the interior parts of New York, and by what authority.

*Col. Walbridge, at Bennington, to Gen. Gansevoort.*—[Abstract.]<sup>1</sup>

Dec. 19. The object of the movement from Vermont was to protect those of the inhabitants who, in consequence of the union, preferred allegiance to the state of Vermont. If the New York forces will release prisoners and cease to exercise jurisdiction over men claiming to be under Vermont, that state will cease to do the same over men professing allegiance to New York. He wished conciliatory methods might be adopted, but if those persons who professed to be citizens of Vermont should be imprisoned and their property destroyed, he was not to be held answerable for the consequences.

It will be observed that though Col. Walbridge twice proposed terms in the conciliatory spirit of gov. Chittenden's letter to Stark of the 15th—terms that would have restored peace without dishonor to either party or prejudice to their rights,—Gen. Gansevoort neither responded in the like spirit, nor remained on the field to assert the authority of New York. Of his retreat, and

<sup>1</sup> *Williams*, Vol. II, 224. Ira Allen, in *Vt. His. Coll.*, Vol. I, 443. *Clin-ton Papers*, No. 4238.

<sup>1</sup> *Williams*, Vol. II., 224. Ira Allen in *Vt. His. Coll.*, Vol. I., 444. *Clin-ton Papers*, No. 4246.

the end of the *quasi* war, a New York author has given the following account :

On the 16th (Dec.) gen. Gansevoort took the field himself, repairing in the first instance to the head-quarters of gen. Stark at Saratoga, in order to obtain a detachment of troops and field-pieces. But the troops of Stark were too naked to move from their quarters ; and it was thought improper for him to interfere without an order from gen. Heath. Gansevoort then crossed over to the east side of the river, in order to place himself at the head of such militia as he could muster in Schaghticoke and Hoosick ; but was soon met by col. Yates in full retreat from the house of col. John Van Rensselaer. He had been able to raise but eighty men of col. John Van Rensselaer's regiment to put down the insurgents ; and on arriving at San Coick he discovered a force of five hundred men advancing from the Grants to the assistance of the rebels. Gansevoort retired five miles further, in order to find comfortable quarters for his men, and then attempted, but without success, to open a correspondence with the leaders of the insurgents.<sup>1</sup> Calls had been made upon four regiments, viz : those of col. Yates, and Henry K. Van Rensselaer, as before stated, and upon col. Van Vechten, and major Taylor. But from the whole no greater force than eighty men could be raised. Of col. Van Vechten's regiment, only himself, a few officers and one private could be brought into the field. Under these discouraging circumstances, the general was compelled to relinquish the expedition, and the insurgents remained the victors, to the no small terror of those of the inhabitants who were well disposed [to New York] inasmuch as they were apprehensive of being taken prisoners and carried away, as had been the case with others, should they refuse taking the oath of allegiance to the government of Vermont.<sup>2</sup>

<sup>1</sup> This seems to ignore Gansevoort's letter to Walbridge of the 18th, and Walbridge's reply of the 19th of December.

<sup>2</sup> Wm. L. Stone's *Life of Brant*, Vol. II, 205-207. *Early History*, 379-380. Ira Allen, in *Vt. Hist. Coll.*, Vol. I., 444. It is remarkable that *Ethan Allen* is no where named in connection with the promised fight with New York. Nobody, certainly, could have entered into that business with a sharper appetite ; and HE WAS THERE. In his account against the state, settled in 1785, and recorded in *Ethan Allen Papers*, 407-408, are the following items :

“ To my attending on the Militia at the Siege of Vallumcock the  
last of Decr. 1781.....1£ 10s.  
To Cash paid for my Expenses and for the Militia at the same  
time.....9£ 2s.”

Dec. 17. In congress, a letter from president Weare of New Hampshire, dated Dec. 4, 1781, containing information as to the trouble with Vermont, was read and referred to a committee of five delegates, of whom Mr. [Daniel] Carroll of Maryland was chairman.<sup>1</sup>

About the same time, papers on the trouble in the West Union were also referred. Jan. 7, 1782, this committee reported, and after debate the matter was referred on the 14th to another committee, which reported on the 25th, and on the 28th the same matters were referred to a committee of one delegate from each state.

*Samuel Livermore, in Congress, to President Weare.*<sup>2</sup>

PHILADA, Decr. 18th, 1781.

Dear Sir :—I received yours of the 4th instant, with the papers inclosed, which I this day laid before Congress (except those which contain the manœuvres of Vermont assembly at Charlestown, which Congress were already possessed of). Congress appointed a committee of five to take them into consideration and report. Every member of Congress but one appeared in our favour and against Vermont, as far as I could judge. Nevertheless I do not pretend to predict the measures that will be taken. The labouring oar I think is on Congress to support their own honor, dignity and authority. I wish to keep it so. I shall farther advise of what may turn up.

I am, with great esteem,

Your most ob't servant,

SAMUEL LIVERMORE.

*Hon. President Weare.*

President Wheelock is here, and professes to have no hand in politics, but is trying to get contributions for his Indian school, &c.

The resolutions of Vermont were brought to Philadelphia last week by one Mr. Brunson, a councillor, as I understand, of that State.

On the 20th of Dec. judges Morris and Yates of New York sent to gov. Clinton affidavits of John Edgar and David Abeel, charging Vermonsters with treason, and on the 24th the governor

<sup>1</sup> *Early History*, 384.

<sup>2</sup> From *Ms. Archives of N. H.*, published in *Burlington Free Press & Times*, March 4, 1871.

informed the New York delegates in Congress thereof, and sent Edgar himself for further explanations.<sup>1</sup>

When gov. Chittenden determined to send Vermont militia to the aid of their friends in the West Union, col. Ira Allen was designated for the command; but on receiving intelligence of a threatening character from the East Union, the command in the West was assigned to col. Walbridge, and Ira Allen was appointed by the governor and council to proceed immediately to the general court of New Hampshire, at Exeter, with full powers to concert measures for an amicable adjustment of all disputes with that State. Col. Allen bore the governor's orders of December 14 to maj. gen. Elisha Payne, and went first to Charlestown, and, on conferring with Mr. Page, found a prospect of hostilities on the eve of commencement by New Hampshire. He immediately made several copies of gov. Chittenden's orders to gen. Payne, for distribution, to encourage the people of the East Union to remain firm for Vermont, but taking care that one copy should fall into the hands of a staunch friend of New Hampshire, to find a conveyance, in a single night and day, to prest. Weare. Col. Allen then proceeded to Exeter, where he was informed (confidentially) by maj. gen. Fellows that, two days before, the court of New Hampshire had determined to raise a military force sufficient to control the people in the East Union; but, on the day before, prest. Weare had received gov. Chittenden's orders to Payne, purporting that force would be repelled by force, which occasioned delay in issuing orders to the New Hampshire militia.<sup>2</sup>

*Lieut. Gov. Payne, of Vermont, to President Weare.*<sup>3</sup>

CHARLESTOWN, Dec. 21st, 1781.

*Sir*:—I herewith transmit to your honor a copy of orders received from the commander-in-chief of the state of Vermont, issued in consequence of coercive measures pursuing by New Hampshire, from which you will learn my situation.

<sup>1</sup> *Clinton Papers*, Nos. 4242 and 4251. For affidavit of Abeel, see date of March 21, 1782, *post*.

<sup>2</sup> *Vt. Hist. Coll.*, Vol. I., 444, 445.

<sup>3</sup> From *Ms. Archives of New Hampshire*, published in the *Burlington Free Press & Times*, March 4, 1871.

Inclination and duty conspire to induce my compliance with any measures which reason and justice may point out to avert threatening hostilities, pregnant not only with the horrors of civil war, but also the greatest injury to the United States, whose interest it is our desire as well as yours to support—have, therefore, by advice of sundry members of the council of this state, and other gentlemen of influence and consideration now present, appointed Brigadier General [Roger] Enos and William Page, Esq., in conjunction with Col. Ira Allen, (already appointed by the governor to wait on your assembly,) to state before the said assembly the reasonableness of the late proposals of the legislature of Vermont, transmitted to your honor by a committee appointed by said legislature for that purpose, for the settlement of disputes between New Hampshire and Vermont.<sup>1</sup>

You must be sensible it has ever been our idea to have justice and equity take place in the decision; and, therefore, by the advice aforesaid, [I] renew proposals that the controversy, in respect to the territory the jurisdiction of which is in dispute between the said states, be decided by an impartial tribunal on principles of right and equity, in the mode congress have pointed out by articles of confederation of the United States in cases where disputes arise between two or more states in respect to boundary, jurisdiction, &c.,—Vermont being allowed equal privileges as the other party in support of their claim—and that hostilities between the said states be suspended till such trial can be had.

We doubt not a compliance on the part of Vermont with the foregoing proposals, which appear to us equitable and just: and are persuaded that New Hampshire are so possessed of principles of justice and equity as shall induce a compliance on their part, and hope for their favorable answer to lay before the assembly of Vermont for their concurrence at their meeting on the last Thursday in January next.

In case New Hampshire refuses compliance with equitable terms (as we view the foregoing,) and are determined on hostilities previous to attempts for an amicable settlement, [I] shall find myself under the disagreeable necessity to execute the orders I have re-

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<sup>1</sup> Oct. 12, 1781, Mr. Payne, a resident in the East Union, had been elected "Deputy Governor" by the general assembly of Vermont, but he asked time to consider whether he would accept. Oct. 27, he was, by resolution, requested to inform the house whether he would accept this election; and he answered that he would accept the office. Whereupon, it was "*Resolved*, that his honor the Deputy Governor have fifty pounds for his salary for the present year."—*Assembly Journal*, 1778-1784, 295, 329.



ceived in raising the force of Vermont, to repel encroachments on its jurisdiction exercised by consent of the people, and which I doubt not their most spirited exertions to support till the dispute is decided, confident that New Hampshire, in case they commence hostilities, must be accountable for the consequences.

I have the honor to be, with esteem and respect, sir,

Your honor's most obedient

and most humble servant,

ELISHA PAYNE, *Lieut. Gov.*

*His Honor Meshech Weare, Esq., President of the Council of New Hampshire.*

*Gen. Stark to Gen. Washington.<sup>1</sup>*

Dec. 21. While deputy governor Payne was writing to pres. Weare to secure peace in Eastern Vermont, gen. Stark was reporting to gen. Washington his view of the condition of affairs in Western Vermont. He noticed the affair of sergeant Tupper, and his correspondence with gen. Chittenden thereon, requesting Washington to inform him whether gov. Chittenden sent to him the original letter of St. Leger. "If he sent you the original, it must be satisfactory; otherwise, the case will still be doubtful in my opinion. I shall think that they dare not produce the original."<sup>2</sup> After reporting the late affair with New York, and the East and West Unions, gen. Stark proceeded:

I believe, sir, that I may venture to predict that unless something decisive is done in the course of this winter, with respect to these people, we may have every thing to fear from them that they are capable of, in case we are under the disagreeable necessity of making another campaign. This may be considered as strange language from me, who have ever been considered a friend to Vermont; and, indeed, I ever was their friend, until their conduct convinced me that they were not friendly to the United States. Were I to judge by their professions, they are more mine and the [United] States' friend now than ever; but their actions and their words appear to carry a very different meaning. During my command, I have been promised every thing from their government and their leading men that I could wish for; but they have taken particular care to perform nothing;<sup>3</sup> while, on the

<sup>1</sup> *Memoir of Stark*, 303.

<sup>2</sup> No answer to this request appears in Stark's Correspondence.

<sup>3</sup> See Stark to Washington, Aug. 9, 1781, *ante* 160.

other hand, the militia of New York, and those of Berkshire, attended to my requisition with alacrity and uncommon spirit; and I believe the northern and western frontiers are in a great measure indebted to them for the protection of their houses, &c. I most sincerely wish that matters may turn out better than I expect.

*Maj. Gen. Heath to Gen. Stark.* — [Extract.]<sup>1</sup>

Dec. 25. I am very sorry to hear of the conduct of the Vermonsters and Yorkers with you. I fear that there will, sooner or later, be serious consequences produced by their disputes. I transmitted your intelligence to congress, and I request you will be pleased from time to time to communicate to me such other circumstances as may come to your knowledge.

*Arrests ordered by New Hampshire in the East Union.*<sup>2</sup>

STATE OF NEW {	IN COMMITTEE OF SAFETY,
HAMPSHIRE. }	Exeter, 27th Decr. 1781.

*To Robert Smith of Londonderry, Greeting:*

Whereas information hath been given to this Committee, that Samuel King gentleman, Moses Smith yeoman, both [of] Chesterfield, Isaac Griswold of Keene yeoman, and Nathaniel Sartel Prentice of Alstead esquire, all in the county of Cheshire and state aforesaid, have been guilty of sundry practices inimical to this state: therefore

You are hereby required, in the name of the government and people of said state, forthwith to apprehend the bodies of the said Samuel King, Moses Smith, Isaac Griswold, and Nathaniel Sartel Prentice, if they may be found within this state, and bring them, as soon as may be, before the committee of safety to be examined touching the matters alleged against them, that they may be dealt with as to justice shall appertain; and all officers, civil and military, and other subjects of this state, are hereby required to be aiding and assisting you in the premises.

Hereof fail not, and make return of this warrant with your doings thereon.

Given under my hand and seal, on the day and date above mentioned.

JOSIAH BARTLETT, *Chairman.*

STATE OF NEW HAMPSHIRE, {
ROCKINGHAM, SS. }

Pursuant to the within warrant, I have apprehended the body of the within named Nathaniel Sartel Prentice, Esq., and have

<sup>1</sup> *Memoir of Stark*, 307.

<sup>2</sup> From *Ms. Archives of New Hampshire*, published in the *Burlington Free Press & Times*, March 25, 1871.

him before the committee of safety for said state this seventh day of January, 1782.

ROBERT SMITH, *Special Sheriff*.

Pursuant to the within warrant I have apprehended the body of the within named Samuel King gentleman, who was rescued: the others are not found.

ROBT. SMITH, *Special Sheriff*.

#### ADVERTISEMENT.

Four hundred silver dollars reward to any person or persons that brings Samuel King of Chesterfield to Exeter in the state of New Hampshire and there confine him in goal, or have him the said King before the Committee of Safety of said state, as said Samuel King was taken prisoner, by virtue of a warrant unto the subscriber directed, and conducted under a proper guard twenty miles. Said King at the town of Keene by a number of men armed with clubs, swords and staves, vizt. captains Fairbanks, Davis, Pratt, Pomeroy and Harvey of Chesterfield at their head and capt. Carlisle of Westmoreland with a small party, which parties did, on the morning of the first day of January 1782, by violence rescue the said Samuel King, prisoner, from

ROBERT SMITH, *Special Sheriff*.

*Mr. Ephraim Witherell—Sir:*—If possible apprehend the bodies of Isaac Griswold and Moses Smith and bring them before the Committee of Safety at Exeter and you shall have an adequate reward from

ROBT. SMITH, } *Special*  
JONATHAN MARTIN, } *Sheriffs*.

*Joseph Burt to President Weare.*

*Honored Sir:*—This moment two men from Chesterfield, who made their escape from the mob, who after they had rescued Samuel King from the officer, returned to Chesterfield, and apprehended Lieutenant Roberson and two others, who they seemed determined to treat according to the custom of Vermont, that is by whipping them. Whether they really will venture upon this business is very uncertain to me. But they have actually driven many of the good subjects of the state from their homes in this cold night. Mr. Bingham's son is one of the men that have come to my house for shelter, who I have this account from, who expected to have found his father here with another man, who made their escape. They have not been here, and I am some concerned for them. The triumphs of the Vermonters are great, and say that New Hampshire dare not come like men in the day-time, but like a thief, and steal a man or two away. Your honor cannot be insensible of our situation. I would not wish to dictate, but pray that something may be done that shall be for the relief of the good

subjects in this part of the state, and for the good of the state. I thought it I my duty to inform your honor, as it is not likely that any other person will be informed that will write to your honor by the post. I am, sir,

Your honor's most obedient  
and humble servant,  
JOSEPH BURT.

Westmoreland, Jan. 1st, 1782, at 12 o'clock at night.

*Hon. President Weare, Esq.*

N. B. You will excuse the writing, being called out of bed in a cold night.

*Benjamin Bellows to President Weare.*

WALPOLE, Jan. 2d, 1782.

*Sir*:—I have often troubled you with a narrative of our distresses and difficulties in this part of the state. Notwithstanding, I presume you and the rest of the honorable committee of safety will exercise your wonted indulgence while I give an account of some new difficulties arising upon the officers attempting to convey one Samuel King of Chesterfield to Exeter, which rescue you will have an account of before this reaches you. Upon the return of the mob, after proper refreshment at said King's, they sought for all those persons who were any way concerned in assisting the aforesaid officer, some of whom they got into their hands, and have abused in a shameful and barbarous manner, by striking, kicking, and all the indignities which such a hellish pack can be guilty of, obliging them to promise and engage never to appear against the new state again; and that is not all, they swear they will extirpate all the adherents to New Hampshire, threatening to kill, burn and destroy the persons and property of all who oppose them; that the friends to this state cannot continue at said Chesterfield with their families, but are obliged to seek an asylum in other towns among the Hampshire people. I have two respectable inhabitants of said Chesterfield now sheltering themselves under my roof, who I have the greatest reason to think would be treated by them in a barbarous manner were they in their power, as they have stove the doors and broke up houses in search of them. I am credibly informed that there is in said Chesterfield about one hundred persons who support said King, who damn New Hampshire and all their authority to hell, and say they (New Hampshire) can do nothing only in a mean underhanded way; in short, they defy all the authority and force of the state, and are determined to support and maintain their usurped authority, maugre all attempts that have or shall be made to curb or restrain

their usurpations. The wrath of man and the raging of the sea are in scripture put together, and it is He alone who can rule the latter and restrain the former. I hope and trust the Author of Wisdom will direct the honorable committee to such measures as will ultimately tend to the peace and happiness of this part of the state, and more especially those adherents to New Hampshire who are in a sense suffering for righteousness sake.

I am, with all esteem and respect,

Your most obedient

humble servant,

BENJ. BELLOWES.

*Hon. Meshech Weare, Esq.*

While these events were occurring, Messrs. Enos and Page joined Col. Allen at Exeter, and labored with him to reconcile matters with New Hampshire, but in vain. They were not kindly received. Mr. Page was arrested and committed to jail, for his conduct as sheriff in the East Union under Vermont; and Allen could get no information from the *men* he addressed, but succeeded in learning, *from a lady*, when the business was to be discussed and determined by the court. Taking a seat in the lobby, and busying himself in preparing a memorial to the New Hampshire court, Allen heard the debate, and the determination to defer hostile measures till an agent had been sent to take the advice of congress. This satisfactory conclusion, for the time being, determined Allen to return to Vermont and make his report.<sup>1</sup>

*Samuel Livermore of N. H., in Congress, to Meshech Weare.*<sup>2</sup>

PHILADELPHIA, Jan'y 1, 1782.

1782.  
January 1. *Dear Sir:*—I wish you a happy new year. Nothing material has turned up here since my last. I hope to have something to write by next post. I am anxious to hear the event of Genl. Nicholls' expedition. The Vermonters are very turbulent about Hudson's river, and a strong suspicion of their being in league with the British. You will hear more in my next, if brought to any head in Congress.

Your most ob't servant,

SAMUEL LIVERMORE.

*Hon. Presid't. Weare.*

<sup>1</sup> Ira Allen, in *Vt. Hist. Coll.*, Vol. I., 445, 446.

<sup>2</sup> *Ms. Archives of N. H.*, published in *Burlington Free Press & Times*, March 25, 1871.

*Geo. Washington to Thomas Chittenden.*<sup>2</sup>

PHILADELPHIA, 1 January, 1782.

*Sir*:—I received your favor of the 14th of November, by Mr. Brownson. You cannot be at a loss to know why I have not heretofore, and why I cannot now, address you in your public character, or answer you in mine; but the confidence, which you have been pleased to repose in me, gives me an opportunity of offering you my sentiments, as an individual wishing most ardently to see the peace and union of his country preserved, and the just rights of the people of every part of it fully and firmly established. It is not my business, neither do I think it necessary now, to discuss the origin of the right of a number of inhabitants to that tract of country, formerly distinguished by the name of the New Hampshire Grants, and now known by the name of Vermont. I will take it for granted that their right was good, because Congress by their resolve of the 7th of August imply it, and by that of the 21st are willing fully to confirm it, provided the new state is confined to certain prescribed bounds. It appears therefore to me, that the dispute of boundary is the only one which exists, and that, this being removed, all further difficulties would be removed also, and the matter terminated to the satisfaction of all parties. Now I would ask you candidly whether the claim of the people of Vermont was not for a long time confined solely, or very nearly, to that tract of country which is described in the resolve of Congress of the 21st of August last, and whether, agreeably to the tenor of your own letter to me, the late extension of your claim upon New Hampshire and New York was not more of a political manœuver, than one in which you conceived yourselves justifiable. If my first question be answered in the affirmative, it certainly bars your new claim; and, if my second be well founded, your end is answered, and you have nothing to do but withdraw your jurisdiction to your old limits, and obtain an acknowledgment of independence and sovereignty, under the resolve of the 21st of August, for so much territory as does not interfere with the ancient established boundaries of New York, New Hampshire, and Massachusetts. I persuade myself you will see and acquiesce in the reason, the justice, and indeed the necessity of such a decision. You must consider, sir, that the point now in dispute is of the utmost political importance to the future union and peace of this great country. The State of Vermont, if acknowledged, will be the first new one admitted into the confederacy, and, if suffered to encroach upon the ancient established boundaries of adjacent

<sup>2</sup> *Life and Writings*, Vol. VIII., 220.

ones, will serve as a precedent for others, which it may hereafter be expedient to set off, to make the same unjustifiable demands. Thus, in my private opinion, while it behoves the delegates of the states now confederated to do ample justice to a body of people sufficiently respectable by their numbers, and entitled by other claims to be admitted into that confederation, it becomes them also to attend to the interests of their constituents, and see, that, under the appearance of justice to one, they do not materially injure the rights of others. I am apt to think this is the prevailing opinion of Congress, and that your late extension of claim has, upon the principles I have above mentioned, rather diminished than increased the number of your friends, and that, if such extension should be persisted in, it will be made a common cause, and not considered as only affecting the rights of the states immediately interested in the loss of territory, a loss of too serious a nature not to claim the attention of any people. There is no calamity within the compass of my foresight, which is more to be dreaded, than a necessity of coercion on the part of congress; and consequently every endeavor should be used to prevent the execution of so disagreeable a measure. It must involve the ruin of that state against which the resentment of the others is pointed.

I will only add a few words upon the subject of the negotiations, which have been carried on between you and the enemy in Canada and in New York. I will take it for granted, as you assert it, that they were so far innocent, that there never was any serious intention of joining Great Britain in their attempts to subjugate your country; but it has this certain bad tendency: it has served to give some ground to that delusive opinion of the enemy, upon which they in a great measure found their hopes of success. They have numerous friends among us, who only want a proper opportunity to show themselves openly, and that internal disputes and feuds will soon break us in pieces; at the same time the seeds of distrust and jealousy are scattered among ourselves by a conduct of this kind. If you are sincere in your professions, these will be additional motives for accepting the terms, which have been offered, and which appear to me equitable, and thereby convincing the common enemy that all their expectations of disunion are vain, and that they have been worsted in the use of their own weapon, — deception.

As you unbosomed yourself to me, I thought I had the greater right of speaking my sentiments openly and candidly to you. I have done so; and if they should produce the effects which I sincerely wish, that of an honorable and amicable adjustment of a matter, which, if carried to hostile lengths, may destroy the future

happiness of my country, I shall have attained my end, while the enemy will be defeated in theirs.

Believe me to be, with gr't resp't, sir, &c., GEO. WASHINGTON.

H.—*Lord George Germaine to General Haldimand.*

(No. 34.) WHITEHALL, [London,] 2nd January, 1782.

*Sir*:—I was well pleased to find by a copy of your letter of the first of October to Sir Henry Clinton, and of the papers enclosed in it, which he transmitted to me with his last dispatches, that your negotiation with the Vermont Leaders was in so fair a train as to afford good ground to expect that country would speedily be restored to the King's obedience. I have since learned, by private accounts, that a detachment of your army had arrived at Crown Point and that a considerable force was assembled at Sorel, under General Reidesel, in readiness to protect them from the resentment of the Congress should they declare for His Majesty.

Lord Cornwallis' misfortune will, I fear, deter them from taking that step at present, but I trust they will not be intimidated into a submission to the Congress, but that you will find measures to encourage them to persevere in their former purpose, and to restore their confidence in our ability to support them, for as you have now put Quebec into a state of security and established at Sorel, I should hope you will be able to carry with you early in the spring a much larger body of troops than Mr. Washington can spare from his army to go against them. I therefore must repeat to you my recommendations to make the recovery of Vermont to the King's obedience the primary object of your attention, and I can assure you that whatever expense you may incur in effecting it will not be grudged.

I am, Sir, your most obedient, humble servant,

(Signed)

GEORGE GERMAINE.

*Governor Haldimand.*

*Gen. Washington to Gen. Schuyler.*—[Extract.]

Jan. 8. Enclosing his letter to Chittenden of the 1st, and requesting Schuyler to have it carefully transmitted, Washington added:

This letter I have shown to a number of my friends, members of congress and others, and they have advised me to write to Mr. Chittenden in my private character, give him my opinion upon the unjustifiableness of the extension of their claim, and advise them to accept the terms offered by the resolve of last August. This I have done fully and forcibly, and perhaps it may have some effect upon Mr. Chittenden and the leaders in Vermont. I would



wish you to keep the purport of this to yourself, as I do not wish to have my sentiments publicly known.<sup>1</sup>

Jan. 10. On the 10th of January, col. Ira Allen made a report to the governor and council of his mission to the New Hampshire court, whereupon it was

*Resolved*, that the hon<sup>ble</sup> Elisha Payne, Jonas Fay and Ira Allen, esquires, and Abel Curtis, esqr., be and they are hereby appointed agents to repair to the hon<sup>ble</sup> the congress of the United States, and in behalf of this state to solicit congress to recognize the independence thereof. And further to use their best endeavors with that honorable body that some equitable mode be prescribed for an amicable settlement of the boundary lines between this and the claiming states. That either two or more of said agents are empowered to proceed to business.

By order of the governor and council.

THOMAS TOLMAN, *D. Sec'y.*<sup>2</sup>

IN COUNCIL, Jan. 11, 1782: *Resolved*, that his honor Elisha Payne esquire lt. governor, Bezaleel Woodward esq., general Ethan Allen, John Fassett esquire, and colo. Matthew Lyon be and they are hereby appointed to make a draft of the political affairs of this state to be published.

Attest,—THOMAS TOLMAN, *Dep. Sec'y.*<sup>3</sup>

The *Ethan Allen Papers*, 359–372, contain the following document, which was the result of the foregoing resolution. It is given without title in the book, but in the index is entitled:

*Defense of Vermont in Uniting with portions of New York and New Hampshire — i. e. in favor of the East and West Unions.*<sup>4</sup>

BY ETHAN OR [AND] IRA ALLEN.

It has ever been the practice of the people of Vermont from their first settling on its territory to appeal to the opinion of the

<sup>1</sup> *Washington's Letters*, in State Dept.

<sup>2</sup> *Council Journal*, 1781 to 1784, 43. <sup>3</sup> *Same*, 44.

<sup>4</sup> Ethan Allen's bill of expenses [p. 407 of *Ethan Allen Papers*] gives these items:

1782. To a journey to Hartford [Connecticut] to git a pamphlet	
January. printed — 13 Days at 10s.....	6£ 10s
To Cash paid for my Expences to git the above Pamphlet printed.....	6£ 0s
To Cash pd Mr. Goodrich for printing the above said Pamphlet.....	6£ 2s
To cash pd for the Expences of Jona. Robinson who went with me.....	6£ 6s

impartial public in all disputes with the neighboring governments in regard to jurisdiction or right of soil, as well as the natural and inherent right of those inhabitants to form themselves into a political society, and erect, set up and establish such forms of government as appeared to them to be best suited and most conducive to the well-being of the society, in which they have been almost universally favored with the public's approbation; but some individuals, perhaps for want of a particular acquaintance with the late situation of the affairs of Vermont, may have started the following queries, viz:

How came it to pass that Vermont has encroached on, and taken into union with her, a part of those tracts which was formerly considered as parts of New Hampshire and New York? Can Vermont in this expect the approbation of the public? What reason can we assign to justify such a conduct? To these queries it may be observed, that to trace the right of Vermont, together with the pretensions of the claiming states to its territory, might be matter sufficient for a volume: shall therefore at present only mention the particular exigencies of the times which required it.

That the public will undoubtedly consider that the states of New York and New Hampshire had, each of them, previously laid their respective claims to the whole territory of Vermont, and had for a number of years exerted their united influence at the congress of the United States to prevent her being received into the federal union, in consequence of which she has [been] for several years last past, and still is, exposed to the whole force of the common enemy in the province of Quebec, destitute of any alliance to invite to her assistance, and is thereby put to the disagreeable necessity of defending (at her own expense) not only her own, but the frontiers of New York, New Hampshire, and Massachusetts.

The government of New York, about the month of April, 1780, abandoning their post at Skenesborough, the people in that vicinity petitioned that government for protection but obtained no relief. They afterwards petitioned the government of Vermont, when her troops were directed to cover them, and about a [the] month of the succeeding May every article belonging to the continent, even to pick-axes and spades, was called for and ordered out of Vermont by continental commissaries at a time when she was erecting a line of fortifications on her frontiers for her defense. In the fall of the same year the British made a descent upon lake Champlain and lay in force at Ticonderoga, which occasioned the militia of Vermont to turn out for its defense. While they lay in that situation, general Allen received a flag from the commanding officer of the British, with an answer to governor Chittenden's

letter to general Haldimand (dated the preceding July)<sup>1</sup> on the subject of an exchange of prisoners, and with that a proposal of a truce with the state of Vermont during the negociation of the exchange; general Allen sent back a flag of his, agreeing to the truce, on proviso it should be extended to the frontiers of New York, which was finally agreed with, and a truce took place which lasted about three weeks. Soon after the close of this campaign, the governor received intelligence that the British forces in Canada consisted of near 7,000, including loyalists, Indians, &c., and that they had it in contemplation to lay waste the north and west parts of Vermont at the opening of the then ensuing campaign, in order to prepare their way to Albany and Schenectady. The affairs of Vermont being thus circumstanced, the supreme executive authority sent circular letters (by express) to the states of New Hampshire, Massachusetts, and New York, urging them respectively to relinquish their claims to the territory of Vermont, and earnestly inviting them to join in a solid union with her for the defense of the frontiers of the respective states against British invasions; and letters were also sent at the same time to his excellency, general Washington, and to the states of Connecticut and Rhode Island. Each of the aforementioned letters stated the extreme situation of Vermont and implored their aid and assistance, but no answer to either of these letters has been received.

In this situation, it seems that New Hampshire, to raise and foment internal division and to prevent Vermont's admittance into the federal union, were endeavoring a union of the whole of the New Hampshire grants on both sides of Connecticut river, as general Bellows and several others, members of the council and assembly, dispatched letters to the several towns inviting each town by their respective representatives (to be for that purpose thereafter chosen) to attend at an appointed time and place in convention, to concert measures for this purpose. In consequence of that step, a considerable number of representatives from the sundry towns east of the river, together with like representatives from several towns west of the river, and who were not particularly apprised of the business of such meeting, did meet in convention at Charlestown No. 4, in January, 1781, in which the

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<sup>1</sup> This is simply another repetition of the impression of the Allens, that Chittenden's first letter to Haldimand was written in July instead of September, 1780. Both of the Allens raised doubts of their accuracy, the one by fixing August instead of July as the time of the reception of Bev. Robinson's first letter, and the other by stating that Chittenden wrote to Haldimand in *July* for the exchange of prisoners who were not captured till the succeeding *October*.

gentlemen, who set this convention on foot, publicly owned that their intentions were to annex the whole to New Hampshire. However, it was agreed by the remaining part of the members to address the legislature of Vermont, at their session to be holden the February following, on the subject of uniting the whole of the New Hampshire grants east of the river to Vermont, as well to partake of the privileges of her constitution and laws as to join for their mutual defense against the common enemy.

And in the month of February, 1781, a respectable number of inhabitants east of Hudson's river and west of the lands granted by New Hampshire, petitioned the legislature of Vermont, setting forth, among other things, that the state of New York had so far neglected to afford them protection that they had detached the soldiery from the frontiers of that district and ordered them to do duty in the interior part of the state, praying that Vermont would receive the said district into union with her, that their forces might be mutually joined for the defense of the respective frontiers, alleging at the same time that they dare not remain in that defenseless situation another campaign, and if their petition should be rejected they should be reduced to the fatal necessity of removing into the interior part of the country with their families and effects for safety. This would have added at least thirty miles to about one hundred and fifty, the frontier extent of Vermont. The legislature of Vermont, taking into serious consideration her defenseless situation, and perceiving that the influence of the claiming states had hitherto prevented her being received into the union with the United States, and encouraged some dissensions among her citizens, and that her numbers and resources were insufficient to oppose the force of the common enemy, (with any reasonable prospect of success,) and that a union with those contiguous districts would greatly augment her strength, heal those divisions, and give life and activity to a respectable number of people who have been principally defended by Vermont since the capture of general Burgoyne, and establish a formidable barrier against the powers in the north, admitted the two districts into the union [with her.]

Thus, under the auspicious guidance of the Sovereign Ruler of all events, Vermont carried on a defensive war against all her enemies in Canada the last campaign with the loss of about twenty-three men killed and taken prisoners; have taken about twelve and relieved from a long and cruel captivity (by exchange) about fifty prisoners, among whom is one continental major, and her citizens have much the largest quantity of seed-wheat now in the ground that has been in any one season since the first settlement of that part of the country.

It may be further observed that the states of New Hampshire and New York, upon stating their respective claims, have little reason to complain of loss of territory by Vermont including the union, inasmuch as neither of them are included in any charter from the crown of England to either of those governments. Much more might be said in the vindication of this argument, would it not add too much to the prolixity of this publication.<sup>1</sup>

The next question perhaps may be, is it honest in Vermont to extend her territory upon the states of New Hampshire and New York? Previous to answering this question it may be necessary to determine another, viz: WHETHER HONESTY IS TRUMPS? Each of those claiming states have many years severally challenged the sovereignty of Vermont, and although they have been repeatedly solicited by her to accede to her recognition and to establish their respective boundary lines, previous to her extension of territory, nevertheless their answers to these solicitations (although silent) seem to have been the following, viz: Let Vermont struggle in her insignificant notions of independence, the inhabitants will answer as a forlorn hope to secure the subjects of New Hampshire and New York; they are situate to Canada, and when the war is terminated, if any of them remain alive, we old confederate states can easily subject them, and should we meet with any opposition, we have a right to call on the whole confederacy to annihilate their pretended state, so that at best they are but our vassals, and being charged with a prospect of liberty and an admittance into the union with the United States, will go through the hazards and fatigues of that exposed part of our frontiers better than though they were subjected.

So it appears that the question relative to Vermont receiving the two districts into union is not so much whether it accords with downright homespun honesty as whether it is politically honest; or, in fine, whether it is honest for Vermont to make any accession of power against the avowed coercive designs of those claiming states, or against the invasions of the common enemy. So much for honesty.

The great object which Vermont has in view is to maintain her rightful liberties and property, and to rise (on the principles of justice) superior to every of her complicated embarrassments; and if she should be so unhappy as to fall on any wrong measures to accomplish such design, she would undoubtedly as much regret

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<sup>1</sup> See note on page 238.

it as those proclaiming states, provided they should blunder on any wrong measures which might eventually thwart their designs.

The legislature of Vermont. at their session in October last, proposed to the legislatures of those states to refer the disputes relative to boundary lines between them and her to the final arbitrament and decision of indifferent men, and pledged the faith of government to abide their determination in the premises. The proposals have been officially laid before those states respectively, but no answer to them returned, but why? The reason is obvious, for had those states agreed to those proposals, they would have thereby rescinded [receded] from their respective claims to the old territory, (an object too dear for them to part with,) as there can be no arbitration with parties [on one side] and no parties [on the other side, as would be the fact] in this case, except Vermont be considered as a state, which would be explicitly acknowledged by arbitrating on its boundaries. The legislature of New York have, since the act of the honorable congress of the United States on the 20th day of August last, (relative to Vermont,) renewed their claim to the property and sovereignty of Vermont, and have remonstrated against the right of congress to recognize the independency thereof; as New Hampshire have, by an act of legislation, resolved that they will not take any notice of the aforesaid proposals.

The articles of the aforesaid union, so far as they respect the existence of Vermont and the settlements of her boundary lines, are here inserted verbatim:

“ART. 1st. That the independence of the state of Vermont be held sacred, and that no member of the legislature shall give his vote or otherwise use his endeavours to obtain any act or resolution of assembly which shall endanger the existence, independence or well-being of the state, by referring its independence to the arbitrament of any power.

“ART. 2d. That whenever this state becomes united with the American states, and there shall then be any disputes between this and either of the United States respecting boundary lines, the legislature of this state will then (as they have ever proposed) submit to congress, or such other tribunal as may be mutually agreed on, for the settlement of any such disputes.”

Should any ask why Vermont has not complied with the act of congress of the 20th day of August last, and in consequence have relinquished her claims to the two unions, in order to her being admitted into the union with the United States, — the answer naturally follows that, as she had pledged the faith of government to

the inhabitants of those unions whereby they became incorporated into the same political society and compose a respectable part of its legislature, therefore she cannot set them aside upon any other conditions than those mentioned in the second article of their admission above recited, without a manifest violation of public faith and a breach of that harmony which so happily and universally subsists between them.

But suppose this violation of public faith, &c., could be dispensed with, (which is by no means admitted,) it does not follow of consequence that the honorable congress would recognize the independence of Vermont in opposition to the remonstrances of one or both those states, predicated on the articles of their confederacy. Provided this should be the case, the consequence of such a dissolution might be the means of creating internal dissensions and serve greatly to weaken the strength and exertions of government in the common cause, and perhaps procure her dissolution [destruction] the next campaign by the common enemy; or at least give an advantage to her watchful competitors, New Hampshire and New York.

What eminent services have the citizens of Vermont rendered in the common cause of the present war, even to those claiming states who are endeavouring to devote them to destruction in order to take possession of the vineyard! but as this is merely from interested views, therefore it cannot be any inducement to the other eleven states to espouse or even countenance their cause.

How glorious would the victorious continental troops, just returned from the capture of a haughty army with a CORNWALLIS (the pride of England) at its head, appear in arms puissantly trampling on the rights of a brave and meritorious people who gave a respectable part of the mortal blow in capturing the towering BURGOYNE, which in its events produced the alliance with France, and in the chain of causes brought the French fleet to the Chesapeake and produced another memorable ERA in America! Shall these continental heroes tarnish their laurels by turning their swords (prepared for the common enemy) against their best friends, the Green Mountain Boys? Heaven forbid it.

But let us examine this matter one step further, and suppose, for instance, that congress should ever design to hearken to the solicitations of those claiming states to exert their united force to subject Vermont. In such case it may be requisite to make at least a single moment's pause and ask whether that august body will not first obtain a certain knowledge that the territory of Vermont does of right belong to the two claiming states, or to one of them; and if to one, to which of them; for so long as each of those states are claiming one and the same territory, the honorable

congress, not possessed of the certain knowledge of the right of the [case,] could not determine to which of these [states the] territory should be ceded or annexed, if subjected. But in case it is said that congress will decide the dispute first in regard to the claim and then subject the people to a compliance, the question will then arise, from whence did that power originate? It will doubtless be a given point that congress are not possessed of any other power than what they derive from their constituents.

The citizens of Vermont were the first in America that formed into committees of safety and conventions for the security of their just rights against the lawless power [of Great Britain,] and were organized as a free state on the same grand basis of liberty as the other free states of America [now are,] before the existence of the confederacy of the United States, and have never delegated any power to congress: therefore, congress cannot be supposed to have any more right to subject Vermont than to subject any other free state on the earth that had been a faithful ally to them through a long and hazardous war; for the existence of Vermont as a body politic (upon revolution[ary] principles) is at least [equally good] with the existence of any other of the free states of America. Therefore if subjugation in this case could take place, it must be merely on the principles of sovereign power.

Have not the people, formerly known by the name of the inhabitants of the New Hampshire Grants, (now comprehended in the territory of Vermont,) governed themselves by committees of safety and convention, ever since the edict of Great Britain, in A. D. 1764, to the 12th day of March, 1778, when a governor and council and house of assembly were elected, agreeable to [the] constitution?

Did not these conventions appoint, authorize, and send agents to the court [of] Great Britain at different times to negotiate their political affairs at that court? and was not the old territory of Vermont, together with the West Union, formed into a government by the said court of Great Britain, and Philip Skeene, Esq., appointed to preside over it as governor?<sup>1</sup>

Does not this single circumstance overturn the pretensions of the claiming states upon their own stating?

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<sup>1</sup> A striking instance of the inaccuracy (to use no harsher word) of the Allens. It was true that Ira Allen claimed that the charter of New York did not include the territory north of Albany, and also that Skene was appointed "governor of the garrisons of Ticonderoga and Crown Point," but not over "the old territory of Vermont."—*Ira Allen, Vt. Hist. Coll.*, Vol. I, 359-361.



Did not the citizens of New Hampshire Grants, alias Vermont, take the first offensive part against British usurpations by putting the continent in possession of Ticonderoga, Crown Point, and the waters of lake Champlain, together with more than two hundred pieces of valuable cannon [of] different sizes, &c., &c.?

Have not the people of Vermont, during the course of the present war, exerted themselves like men determined to be free?

Did they not in convention, on the 15th day of January, 1777, declare themselves a free, sovereign and independent state, and announce the same to congress immediately after?

Have not a considerable number of towns in the East Union from about the time of the revolution refused to pay allegiance to the government of New Hampshire?

Did not the general court of the state of New Hampshire officially acknowledge the sovereignty and independence of Vermont previous to extending her late claim over Vermont?

Have not the honorable the general court of Massachusetts relinquished her pretensions to the territory of Vermont?

Have not the government of Vermont, by her agent, solicited congress to be admitted into the federal union upon the liberal principles of her paying her equitable proportion of the expense of the present war, and that to be assessed by the United States in congress assembled?

Have not Vermont offered that congress should settle the boundary lines of the state, she being allowed equal privileges with the claiming states in the settlement of the disputes?

Is not the territory of Vermont about one hundred and sixty miles in length and in breadth about ninety-five on an average, including the East and West Unions, which are about twenty miles each?

Are not the numbers of the militia with[in] the old territory of Vermont nearly 8,000, and, including the two unions, about 13,000?

What can Vermont do, or what reasonable step hath she neglected, to procure her recognition and a settlement of her boundary lines?<sup>1</sup>

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<sup>1</sup> In a note in the Allen Papers, Hiland Hall suggests that the paper here given was the original of the printed pamphlet, which retained much of this paper and the whole of its argument substantially. The pamphlet was entitled "The Present State of the Controversy between the States of New York and New Hampshire on the one part and Vermont on the other. Published at Hartford. Printed by Hudson & Goodwin. MDCCCLXXII."

*Gen. Schuyler to Gen. Washington.* — [Extract.]<sup>1</sup>

Jan. 15. Yesterday, I received advice that the people on the Grants had generally assembled in town meetings, had declared their apprehensions that a criminal intercourse prevailed between some of their people and the British, and determined on an examination of the conduct of the suspected persons; and had, by a great majority of the towns, voted that a relinquishment should be made of their late extended claim, both on the east and west. The latter part of this intelligence is this moment confirmed to me, in such a manner that I have not a doubt remaining of its truth; and I have reason to believe that the former part is not without foundation.

*Gov. Clinton to Gen. Washington.* — [Extract.]<sup>2</sup>

Jan. 21. The governor transmitted correspondence between himself and gen. Haldimand, being an unsuccessful attempt to procure an exchange of prisoners, and then adverted to Vermont affairs:

I lately transmitted to Congress two affidavits, proving a traitorous correspondence between the leaders on the New Hampshire Grants, and the enemy; and one of them, that an actual league of amity was settled between them; which, I presume, have been communicated to your excellency. There are many other circumstances tending to establish the facts contained in those affidavits, which would be too tedious to relate. The well-affected in this state, and I believe I may venture to say in some of the neighboring states, begin to be exceedingly alarmed at their conduct. Added to this, the violent and oppressive measures pursued by them against some of the most respectable citizens, to support their late extension of jurisdiction, will, I am persuaded, before the opening of spring, occasion our having recourse to arms to oppose their usurpations.

On the same day, gen. Schuyler wrote to gen. Washington that the Vermonters were about to send a deputation to Congress, to solicit a recommendation to New York and New Hampshire to pass acts of indemnity to their citizens who had joined Vermont. He hoped Washington would use his influence with the New York delegates to make it successful.

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<sup>1</sup> *Corr. of the Rev., Letters to Washington*, Vol. III, 462.

<sup>2</sup> *Same*, 463, 464.

*James Madison, in Congress, to Edmund Pendleton.*—[Extract.]<sup>1</sup>

Jan. 22. Congress much occupied and perplexed with the case of Vermont. Instead of restricting her boundaries as recommended, she had continued her encroachments; there was the utmost danger of collision, and congress was called upon to act. The power of congress, either to use force or admit her into the confederacy, was doubted by many states.

Jan. 28. A "representation" of the conduct of Vermont, coming from adherents to New York who resided in Vermont, was presented to congress and referred to the committee on the Vermont controversy. The concluding statement of this paper was, "that unless congress seasonably and vigorously interpose, the well affected to the state of New York and the United States will fly to arms in opposition to the usurpation of Vermont."<sup>2</sup>

*Gen. Washington to Gen. Schuyler.*—[Extract.]<sup>3</sup>

Jan. 29. Every information tending to prove, that the affairs respecting the Grants may be speedily and happily accommodated, gives me singular satisfaction. I will flatter myself, that both the articles of intelligence you have received are well grounded, and that it will be the unremitting effort of every one, who is well affected to the general cause, to prevent the horrors of civil discord in any part of the United States.

*Gen. Washington to Gen. Schuyler.*—[Abstract.]<sup>4</sup>

1782.  
February 6. Washington returned a copy of a letter from Schuyler to Stark, on Vermont affairs, commending it highly for its conciliatory tone, and expressed himself earnestly in favor of conciliation, but said his military character forbade his intermeddling so far as "to dictate particular modes of accommodation."

<sup>1</sup> *Madison Papers*, Vol. 1, 109.

<sup>2</sup> For an account of this movement of the adherents to New York, by their agent, Seth Smith—of the charges made against Vermont, and of the excitement then prevailing in Cumberland [Windham] county—see B. H. Hall's *Eastern Vermont*, 413-418.

<sup>3</sup> *Life and Writings*, Vol. VIII, 232.

<sup>4</sup> *Washington's Letters*, St. Dept.

*The Vermont Question in Congress.*

On the same day, the agents of Vermont presented a memorial to congress, justifying the course of Vermont in making the East and West Unions. As to the East Union it was said, that New Hampshire had laid claim to the whole of Vermont, and a convention of forty-three towns had voted, on the 16th of Jan. 1781, in favor of uniting Vermont to New Hampshire: and therefore that, in procuring a change of that vote on the next day, and by it extending her jurisdiction to the Mason line, Vermont had simply turned the table—giving New Hampshire the same trouble that she had contemplated for Vermont. As to the West Union it was said that “the claims and intrigues of New York, and self-preservation, had induced the legislature of Vermont to claim a part of the state of New York,” and that the people of the territory so claimed had, by articles of union, confederated with Vermont and become citizens thereof. And further, in the articles of both Unions it was stipulated that, when Vermont should be admitted as a state by congress, that body should settle the boundary lines. Vermont then was ready, and ever had been ready, to comply with that stipulation, or any other equitable mode of establishing boundaries, and in fact she had proposed to settle through commissioners of New Hampshire, New York, and Vermont, with which the two before-named states had not complied; but, while Vermont was not recognized and admitted as a state, she could not give up her unions, and thus reduce her strength, without gaining a place in the confederacy as an equivalent. As to the military orders of gov. Chittenden, of the 14th of December, to maj. gen. Payne in the east and col. Walbridge in the west, the agents explained, that the purpose was not to provoke civil war, but to prevent it; and such had been the effect.<sup>1</sup>

*James Madison to Edmund Pendleton.*

Feb. 7. Congress are still occupied with the thorny subject of Vermont. Some plan for a general liquidation and apportion-

<sup>1</sup>Ira Allen, who was one of the agents. — *Vt. Hist. Coll.*, Vol. I, 446-448.

ment of the public debts is also under their consideration, and I fear will be little less perplexing.<sup>1</sup>

Feb. 19. On the 19th of February, in congress, the committee of one delegate from each state, to whom the case of Vermont had been referred, made a report. This document recited the resolutions of the 7th and 20th of August 1781—the failure of Vermont to comply with them—her attempts to establish her jurisdiction beyond her original claim, and over territory which congress by the said resolution of the 20th of August had guaranteed to New Hampshire and New York—and concluded with a series of resolutions, declaring:

1. That the boundaries of the territory of the New Hampshire Grants were and should be as described in the resolution of the 20th of August 1781.

2. That if, in one month after notice given to the governor, the inhabitants of said Grants should relinquish the territory beyond those bounds and accede to the articles of confederation, their district should be acknowledged as a free and independent state and admitted into the union.

3. That if said inhabitants should not so comply, their neglect should be considered hostile to the United States, and thereupon the confederate military power should be used against them.

4. That, in case of such neglect or refusal, “the commander-in-chief of the armies of these United States do, without delay or further order, carry these resolutions as far as they respect his department into full execution.”

Debate ensued, but no action until the first of March.<sup>2</sup>

### *Legislative Action in Vermont.*

IN COUNCIL: Feb. 19. A letter from colonel Hinman Swift, commanding a continental regiment, directed to brigadier-general Samuel Safford, dated Feb. 12th, 1782, requesting the general's assistance in taking up a number of deserters from the continental

<sup>1</sup> *Madison Papers*, Vol. I, 112. The question as to the public debt afterward tended to reconcile Vermont to a delay of her admission to the union.

<sup>2</sup> *Early History*, 384, 385.

army, in [by] supplying a corporal Baker and three men with provisions, was by the general laid before the council: whereupon

*Resolved*, that the commissary-general of this state be and he hereby is directed to furnish said corporal and three men with necessary provisions for the execution of the business above mentioned.<sup>1</sup>

STATE OF VERMONT. Bennington, Feb. 19th, 1782.

The Governor and Council having joined the General Assembly, in a committee of the whole, to take into consideration the resolutions of Congress of the 7th and 21st of August last,

*His Excellency* THOMAS CHITTENDEN, *Esquire, in the Chair.*

The following papers were read by the secretary in their order, viz.

1st. The said resolutions of the 7th and 21st of August, and a letter from his Excellency the President of Congress, to his Excellency the Governor, enclosing them.

2d. A private letter from his Excellency General Washington, to his Excellency the Governor, dated Philadelphia, January 1st, 1782.

3d. A letter from General Oliver Wolcott, to his Excellency the Governor, dated January 18th, 1782.

4th. A letter from the Revd. Jonathan Edwards, to Noah Smith.

5th. The articles of unions with the eastern and western districts.

Adjourned until 2 o'clock, P. M.

Met, according to adjournment.

6th. The Proceedings of the Legislature, in October last, upon the said resolutions of Congress, were read.

After some debate, adjourned until to-morrow morning, 9 o'clock.

February 20th, 9 o'clock. Met, agreeable to adjournment.

7th. A letter from Colonel Lutterloh, to Major Fay, was read; and after some debate on the business, adjourned until 2 o'clock, P. M.

2 o'clock, P. M. met according to adjournment.

8th. A letter from General Patterson, to Major Fay, was read.

A motion was made by Mr. Chandler, that the sense of the committee be taken upon the following question, viz:—whether Congress, in their resolutions of the 7th and 21st of August last, in guaranteeing, to the respective states of New York and New

<sup>1</sup> *Council Journal*, 1781 to 1784, 53.

Hampshire, all the territory without certain limits, therein expressed, has not eventually determined the boundaries of this state?

Which question being put, was carried in the affirmative: whereupon,

*Resolved*, That, in the opinion of this committee, Congress, in their resolutions of the 7th and 21st of August last, in guaranteeing to the respective states of New York and New Hampshire, all territory without certain limits, therein expressed, have eventually determined the boundaries of this state.

And whereas, it appears to this committee, consistent with the spirit, true intent and meaning of the articles of union, entered into by this state with the inhabitants of a certain district of country, on the east side of the west bank of Connecticut river, and on the west side of a line twenty miles east of Hudson's river, (which articles of union were executed on the 23d day of February, and the 15th day of June last past,) that congress should consider, and determine, the boundary lines of this state,—Therefore, this committee recommend to the assembly of this state, to pass resolutions, declaring their acquiescence in, and accession to, the determination made by congress of the said boundary lines, between the states of New Hampshire and New York, respectively, and this state, as they are, in said resolutions, defined and described, and also, expressly relinquishing all claim to, and jurisdiction of, and over, the said districts of territory, without said boundary lines, and the inhabitants thereon residing.

Confiding in the faith, and wisdom of congress, that they will, immediately, enter on measures to carry into effect the other matters in said resolutions contained, and settle on equitable terms, whereby this state may be received into, and have and enjoy all the protection, rights and advantages of a federal union with the United States of America, as a free, independent and sovereign state, as is held forth to us in and by said resolutions.

And this committee do further recommend to the assembly, that they cause official information of their resolutions to be immediately transmitted to the congress of the United States, and the states of New York and New Hampshire.

IN ASSEMBLY: Feb. 21. The aforesaid report of the committee of the whole was read and accepted, and thereupon

*Resolved*, that a committee of three, to join a committee from the council, be appointed to prepare a bill or bills agreeable to said report and lay the same before this house. The members chosen, Mr. Tichenor, Mr. Chandler, and Mr. Knight.

On motion of Mr. Tichenor, *Resolved*, that a committee of five, to join a committee from the council, be appointed to point out

some mode of relief relative to the injuries the people of the Eastern and Western Unions have sustained in consequence of their alliance to this state. The members chosen, Mr. Jacob, Mr. Harris, Mr. Powell, Mr. Dana, and Mr. Styles.

On motion made by Mr. Styles, *Resolved*, that this house do judge that the Articles of Union are completely dissolved.<sup>1</sup>

*Ordered*, that the clerk of this assembly be and is hereby directed to make up the debenture of the members belonging to the late unions, and lay the same before this house to-morrow morning.

Feb. 22d. A debenture of the members belonging to the Eastern and Western Unions, that have attended this assembly the present session, was read and passed the house.

The governor and council waited in the house, and requested that they would proceed to public business of importance to the state, &c. On motion made,

*Resolved*, that the house will proceed to choose by joint ballot with the governor and council, three persons to transact the public business of this state at congress.

IN JOINT ASSEMBLY: The ballots being taken, the hon'l Moses Robinson, Paul Spooner, esqr., and Isaac Tichenor, esqr., were elected.<sup>2</sup>

IN ASSEMBLY, Feb. 22: The committee to whom was referred the mode of redressing the people in the Eastern and Western Unions, &c., brought in the following report, viz:

That it is the opinion of your committee that some proper persons be immediately sent to those officers *who are now arresting and making prisoners every person they can find who have heretofore been active in joining this state*, entreating them to suspend the execution of law until the aforementioned persons can have time to petition the assembly of New York to be restored, and showing their willingness to return to their allegiance to said state, provided the legislature [thereof] should pass an act of grace. And also that a petition be presented by our agents to the congress of the United States, praying them to interpose by recommending to the states of New Hampshire and New York to pass acts of oblivion in their behalf.

JOSEPH BOWKER, *for Committee.*

The above report was read and accepted so far as it relates to the people of the late Western Union, and ordered that a bill be brought in accordingly.

*Resolved*, that gen'l Sam'l Safford, Ezra Styles, esqr., and gen'l

<sup>1</sup> Information of this repeal of the Unions was communicated by gov. Chittenden to gen. Washington. — *Index to Stephens Papers*, 28.

<sup>2</sup> *Assembly Journal*. 1777-1784, 349-352.



Roger Enos be and they are hereby requested forthwith to repair, with suitable instructions from the council, to the Western District, to prosecute the intentions of the aforesaid report.<sup>1</sup>

Feb. 23: The following resolution of the Board of War was read :

IN BOARD OF WAR, Feb. 22, 1782.

*Resolved*, that it be and is hereby recommended to the hon'l. general assembly now sitting in Bennington, that this state raise one battalion, consisting of five hundred and fourteen, officers included, for the defense of this state the ensuing campaign, to be commanded by one lieut.-col. commander, one major, eight captains, and sixteen subalterns ; that they continue in service till the 15th day of Dec'r next, unless sooner discharged ; that each town in this state raise, equip, and pay their equal proportion of the aforesaid battalion, according to their lists given in to the assembly in Oct'r, 1781. That the general assembly appoint some suitable person to repair immediately to maj'r-gen'l Heath, or to the commanding officer of the northern department, and request him to furnish this state with two thousand continental arms, with a sufficient quantity of ammunition. And that the fort at Pittsford be removed to Capt. Jonathan Fassett's house in said Pittsford.

Extract from the minutes.

JOHN FASSETT, *Sec'y, P. T.*

AFTERNOON: The house took under consideration the resolution of the Board of War as recorded [above,] and after some time spent in debating thereon,

*Resolved*, that there be raised for the ensuing campaign, three hundred men, officers included, for the defense of this state ; and that the non-commissioned officers and privates be raised and paid by the different towns, agreeable to their list returned last October, and that the commissioned officers receive their pay out of this state's treasury ; and that the governor and council be and they are hereby requested to write to gen'l Washington and desire him to furnish two thousand arms and a sufficient quantity of ammunition for the use of this state.

*Resolved*, that a committee of ten, to join a committee from the council, be appointed to report their opinion what number of commissioned officers ought to be appointed to command the troops to be raised as aforesaid, and bring in a nomination of such officers

<sup>1</sup> *Assembly Journal*, 353, 354. The foregoing report implies that, while governor Chittenden had proposed to suspend the exercise of jurisdiction in the West Union for the time then being, New York was zealous in enforcing her own laws in the same territory.

to be appointed, except the field officers, which are to be appointed by ballot. [Committee of ten appointed.]

*Resolved*, that a committee of five, to join a committee from the council, be appointed to prepare instructions for the agents that are appointed to wait on congress, and make report. The members chosen, Mr. Chandler, Mr. Townshend, Mr. Strong, Mr. Knight, and Mr. Lyon.

The committee appointed to prepare a bill agreeable to the report of the committee of the whole, brought in the following resolutions, which were read and passed into resolutions of this house, viz: [Here are recited the resolutions of the joint assembly, styled "committee of the whole," of February 20:] and thereupon,

*Resolved*, that the west bank of Connecticut river, and a line beginning at the northwest corner of the Massachusetts state, from thence northward, twenty miles east of Hudson's river, as specified in the resolutions of August last, shall be considered as the east and west boundaries of this state; and that this assembly do, hereby, relinquish all claim and demand to, and right of jurisdiction in, and over, any, and every district of territory without said boundary line; and that authenticated copies of this resolution be, forthwith, officially transmitted to congress, and the states of New Hampshire and New York, respectively.<sup>1</sup>

It will be observed that the general assembly construed the resolutions of congress of August, 1781, as being in substance an establishment of the boundary lines of Vermont, (consequently a recognition of her independence;) and *therefore* the Unions were dissolved in compliance with article second of the conditions of union. In short, it was then believed that the purpose of the unions had been substantially effected.

February 25, the subordinate officers for the troops for the ensuing year were appointed, including a muster-master from each side of the green mountains.<sup>2</sup>

February 26, the committee appointed to draw up instructions to the agents of Vermont at congress, reported as follows:<sup>3</sup>

*Gentlemen*:—You will repair, without loss of time, to Philadelphia, and are to consider yourselves as Plenipotentiaries, invested with full power to agree on terms upon which this state shall come into an union with the United States of North America; and, in case of such agreement, in behalf of this state, to sign and ratify articles of federal union with the confederated states of

<sup>1</sup> *Assembly Journal*, 356-359. <sup>2</sup> *Same*, 370. <sup>3</sup> *Same*, 373.

America ; but it is not expected that more than one of you will remain at Philadelphia, at a time.

In your negociation, it is expected that you will so conduct, as to induce the persons you negotiate with, to believe that your constituents expect to be admitted free from arrears of the continental debt, already accrued ; and to discharge their own. If this cannot be obtained, it is expected that you will reduce that part of the continental debt, which this state shall have to pay, to as small a sum as possible :— And that you make returns to his Excellency the Governor, as soon as may be, of the certain sum which you shall covenant that this state shall pay.

SAMUEL FLETCHER, *for Committee.*

STATE OF VERMONT. } IN GENERAL ASSEMBLY, Feb. 26th, 1782.

The within instructions were read, and passed the House.

Attest,— ROS. HOPKINS, *Clerk.*

True Copy,— Attest, THOMAS TOLMAN, *D. Sec. Council.*

At this time, the agents of Vermont to congress had just left Philadelphia, to return to Vermont, and on their way they were surprised by news of the action of Vermont in their absence. These were “unwelcome tidings” —“the legislature of Vermont, without waiting the advice or arrival of their agents from congress, became the dupes of state politicians, precipitately dissolved their unions, lessened their strength, real and political consequence.”<sup>1</sup>

IN JOINT ASSEMBLY: Moses Robinson, Paul Spooner, and Isaac Tichenor were elected delegates “to represent this state in congress, if articles of union can be agreed on between the agents appointed by this state and the congress of the United States;” and maj. Gideon Brownson was elected major-commandant of the battalion to be raised for the defense of the state.

Feb. 27th, the Board of War was empowered to take all necessary measures for procuring ammunition.

Feb. 28th, Jonas Fay was elected delegate to congress in addition to the gentlemen before elected ; and it was

*Resolved*, that the hon<sup>l</sup>. Paul Spooner, Moses Robinson, and

<sup>1</sup> Ira Allen, in *Vt. Hist. Coll.*, Vol. I, 449, 450. For further views of colonel Allen, who may be considered the organ of the party supporting the Unions, see *Same*, 449–457.

Jonas Fay, esqrs. and Isaac Tichenor, esqr., be and are hereby requested to repair to congress without delay on the business of their appointment.<sup>1</sup>

The only acts of the February session noteworthy were :

An act for taking off the tendry of the paper currency of this state (except in the treasury of the state) the first day of June next.

An act for the purpose of raising three hundred able-bodied, effective men, for the ensuing campaign.<sup>2</sup>

Feb. 23. Seth Smith, on his way homeward from Philadelphia, gave to gov. Clinton a copy of his "representation" to congress, with a petition to the legislature of New York, dated Feb. 11th. In the latter document he stated that he had been authorised by his constituents [adherents to New York in Vermont] to apply to both congress and New York for aid ; that the well affected on the grants would cheerfully render obedience to New York, but that by the laws of Vermont they were deprived of civil and military power, and they were determined to resort to "the natural means of defense by arms," unless interposition should be made in their behalf. He prayed for seasonable and vigorous measures, to prevent the necessity of repelling force by force. These documents were read and referred in the assembly of New York on the 23d of February ; at which time the same Seth Smith had a petition pending in the legislature of Vermont, to relieve him from an indictment in Windham county, before noted, and the petition was granted by the council, in concurrence with the house, February 26, on condition that Smith would take an oath of allegiance to Vermont.<sup>3</sup>

*One of the British Commissioners to Ira Allen [probably.]*  
[Extract.<sup>4</sup>]

February 28. My anxiety to hear from you, induced me to apply to his excellency [general Haldimand] for leave to send

<sup>1</sup>*Assembly Journal*, 374, 388, 389. The treasurer had been ordered previously "to lay by for the delegates to congress £100."

<sup>2</sup>*Vt. State Papers*, 446.

<sup>3</sup>*Eastern Vermont*, 418, 419. *Council Journal*, 1781 to 1784, 60.

<sup>4</sup>*Williams*, Vol. II, 209. *Hist. Coll.*, Vol. I, 464.

the bearer with this, which having obtained, I earnestly request you to send me in the most candid, unreserved manner the present wishes and intentions of the people, and leading men of your state, respecting our former negotiations; and what effect the late catastrophe of lord Cornwallis had on them. Will it not be well to consider the many chances and vicissitudes of war? However brilliant the last campaign may appear, the next may wear a very different aspect. Add to this, the great probability of your being ruined by your haughty neighbors, elated by (what they call) a signal victory; and I hope you will see, as I do, that it is more than ever your interest to unite yourself with those who wish to make you a happy and free government. Will there be a proper time to send the proclamations? I repeat my request, that you will tell me, without reserve, what may be expected in future.

H. — *Gen. Haldimand to Sir Henry Clinton.*

QUEBEC, March 5th, 1782.

<sup>1782.</sup>  
March 5. *Sir*:—Being under a necessity of sending an officer through the woods to Halifax, I am happy in having an opportunity though by so long a route of communicating with Your Excellency and expressing my concern at having been so long deprived of the honor of hearing from you notwithstanding the many efforts I have made to obtain that satisfaction.

My letters in cypher dated the 13th and 24th of September and the 3rd October and 14th of November, I am fearful never reached you. Those of the 27th, 28th, and 29th of September, the 1st, 2nd, and 3rd of October by the Garland, and of the 12th and 14th of November by the Pandora, have I hope been more fortunate.

Your Excellency's favor of the 2nd of August, which I received so long ago as the 21st of September, was the last that has come to my hands. I am therefore apprehensive that dispatches from you must have miscarried, persuaded that, feeling for the anxiety expressed in my letter to hear from you particularly upon the subject of Vermont affairs, your Excellency would not have denied me that pleasure. I am most anxious for the return of my last messenger, dispatched on the fourteenth of November, having been for many months without having received the least intelligence from any authority that can be depended on, and finding by reports brought in by the last scouts that preparations are making at and in the neighborhood of Albany which indicate a renewal of the enemy's design against this Province upon the plan discovered by the capture of Mr. Lawrence. It is unnecessary to write the particulars of these reports as they of course prevail with you, and from your authentic knowledge of the state of things in the active scenes, it will be in your power to judge if they have any foundation.

The conduct of the Canadians obviously discovers that they are in early expectation of some revolution from which they expect to derive advantage, and tho' all my efforts have proved ineffectual in making any very material discoveries, there is not a doubt that an intercourse is supported between them and the French, and that it is from that source their hopes are fed and their conduct is influenced. A report now prevails amongst them that the Pope has issued a Bull absolving them from the oath of allegiance to the English on their returning to that of France. It is likewise said that the congress have issued a Proclamation declaring pardon to all Americans who, having been induced to join the King's army, will acknowledge and support the independence of the states. Whether these reports are true or false, they have their effects.

Thus circumstanced, it is needless to express to your Excellency how very acceptable any information upon a subject so nearly concerning the King's interests and my own happiness must be to me, and I rely on your Excellency's goodness in communicating to me, with all the dispatch that may be necessary, such information as shall come to your knowledge, should it appear to you that the enemy's intention is to invade this Province.

To provide against accidents, I take the liberty to inclose to your Excellency a duplicate of my present dispatch to Lord George Germaine, by Halifax, and request you will have the goodness to forward it by the first safe opportunity.

I have the honor to be, with great respect and regard, Sir, your Excellency's most obedient and most humble servant,

FRED'K HALDIMAND.

Indorsed: "General Haldimand to Sir Henry Clinton, March 5th, 1782." "No. 2. E."

*General Schuyler, at Pokeepsie, to General Washington.*<sup>1</sup>

March 6. When the present session of the legislature opened, I found both houses pervaded with the same spirit which dictated the violent resolutions of last fall, [November 15-19, 1781,] against congress, for their act of the 20th of August in favor of Vermont, and the house of assembly on the last [of February,] had actually proceeded so far as to send up [to the senate] for concurrence a resolution declaring, in very explicit and very pointed terms, that the strength and supplies of the state should be withheld, until congress reversed said act, and should decide agreeably to equity, and carry their decision into effect. A determination so violent, and so replete with variety of evil to this

<sup>1</sup> *Washington Letters*, in State Department, Vol. LIV, 358.

and the other states, alarmed me so exceedingly that, although then still confined with a severe fit of the gout, I considered it incumbent on me, rather to risk a relapse, than not be present at the deliberations of the senate on so interesting a subject. It was agitated on the third instant, and I have reason to be pleased that I attended, for although the senate are determined so far to acquiesce with the assembly as to animadvert on the precipitancy with which congress decided, and perhaps to transmit a protest on the occasion, they will nevertheless reject the resolutions of the other house and afford what [aid] they can to the common cause.

March 7, 8. The governor and council met at Shaftsbury on the 7th of March, and were notified of the return of Jonas Fay and Ira Allen, the agents to congress. On the 8th their report was made to the council.<sup>1</sup> Ira Allen stated that the governor and council were then making out credentials and instructions to the delegation to congress, which had been appointed in February; adding that

A question then arose, and the opinion of said agents [just returned from congress] was required by the governor and council, whether Vermont would, after complying with the resolves of congress, be admitted to the federal union. The agents [Fay and Allen] answered, that in their opinion Vermont would not be admitted; that she had, by dissolving her unions, weakened her strength, lessened her consequence, and exposed herself to the sport of state politicians, and her safety much depended on the events of peace or war.<sup>2</sup>

March 9. Gen. Samuel Safford and Abel Curtis, esquire, were appointed members of the board of war, by the governor and council, to fill vacancies.<sup>3</sup>

*Sir Henry Clinton to General Haldimand.*

NEW YORK, March 10th, 1782.

It was scarcely to be expected that the January mail could contain powers adequate to the accomplishment of the wishes of the

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<sup>1</sup> *Council Journal*, 1781 to 1784, 65.

<sup>2</sup> *Vt. Hist. Coll.*, Vol. I, 449, 450. The unions were dissolved in the absence of Ira Allen certainly, and of Ethan (in Connecticut) probably, and much to their dissatisfaction.

<sup>3</sup> *Council Journal*, 1781 to 1784, 65.

people of Vermont, because, as to some of them, the Executive will want the Legislative aid.

I am accordingly only desired to continue the intercourse and correspondence with them, and to encourage them to expect that if they adhere to his Majesty their interest will be properly attended to.

Aware of the necessity of observing the utmost secrecy in these negotiations, I resolved that what they may be anxious to know should pass through you, and by channels themselves may have directed as most safe.

This compelled me to apprise you as speedily as possible overland of the contents of my dispatches as well as yours, and that I might not trust to our hand to break the seals of those to you, your original I shall forward by the first ship for Quebec.

If our intelligence from the north country is to be relied upon, the usurpers of this Province are meditating force against the Vermonters, but it is said that among others, General Schuyler, and Mr. Scott one of their own delegates, disapprove of the design.

You will find under this cover a printed protest, by what is called the state of New York, against the congress, which may lead to consequences that magnify this object and render it more and more worthy of our attention.

Notwithstanding the intelligence that has been sent you respecting an intended attack on Canada, I think it more likely that the enemy will attempt one against this post.

Thus far in cypher.

I refer you to the newspapers I send you by the bearer for West India news. It is supposed Sir G. R. sailed from England about the 16th of January for the Leeward Islands.

Indorsed: "Sir Henry Clinton to General Haldimand, March 10th, 1782.

O. sent by Davis,  
D. p Wynant Williams,  
T. p John McKiel,

Including a copy in cypher of Lord George Germaine's letter, No. 34, and circular one to General Haldimand." "No. 35."

*Governor Chittenden to General Washington.*<sup>1</sup>

ARLINGTON, March 16, 1782.

*Sir*: — I had the honor to receive your Excellency's favor of the 1st of January by express. I am not insensible that the delicacy of your station in the empire renders it ineligible for you to ad-

<sup>1</sup> *Revolutionary Correspondence, Letters to Washington*, Vol. III, 492.



dress me in my public character. Your noticing us, therefore, in your private capacity, under our circumstances, I beg leave to esteem as the strongest mark of your magnanimity and friendship. While we receive with gratitude the resolves of Congress, of the 7th and 21st of August last, it affords us great satisfaction that your Excellency is willing to consider them as implying the right, which Vermont claims, to be a state, within certain described bounds. And, as the dispute of boundary is the only one that hath prevented our union with the Confederacy, I am very happy in being able to acquaint your Excellency that that is now removed on our part, by our withdrawing our claims upon New Hampshire and New York, and by confining ourselves solely, or very nearly, to that tract of country which is described in the resolve of Congress of the 21st of August last.<sup>1</sup> Since, therefore, we have withdrawn our jurisdiction to the confines of our old limits, we entertain the highest expectations that we shall soon obtain what we have so long been seeking after, an acknowledgement of independence and sovereignty. For this we have appointed Commissioners, with plenary powers, to negotiate an alliance with the Confederate States, and, if they succeed, to take seats in Congress. Should Heaven prosper the designs of their negotiation, we please ourselves much that we, who are of one sentiment in the common cause, and who have but one common interest, shall yet become one nation, and yet be great and happy. The glory of America is our glory, and with our country we mean to live or die, as her fate shall be. I have no need to acquaint your Excellency, that our local as well as our military (not to say political) situation, as an extended frontier, awfully exposed these infant plantations to the power and fury of the common enemy. Might we be so happy as to draw the attention of our country, we hope to be favored with your particular exertion. I have the honor to be, Sir, with great respect,

Your most obed't and humble serv't, THOMAS CHITTENDEN.

P. S.—This will be delivered by one of our agents, to whom I beg leave to refer your Excellency for the more particular situation of this State, with regard to military preparations and state of defence.

March 18. The governor and council issued warrants to the sheriffs of the several counties to collect the provision tax for the

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<sup>1</sup>This resolution is most frequently stated as of the 20th of August in the Vermont records, but here Chittenden followed the date in Washington's letter. The resolution adopted on the 20th was reconsidered and adopted on the 21st.

support of the troops, and these officers were empowered to levy on the goods and chattels of such selectmen as had failed to collect the quota of their town.<sup>1</sup>

*Extract from Gov. Clinton's Message to the Assembly of New York* <sup>2</sup>

March 21. I cannot forbear recommending to your particular attention, the affidavits and other papers, which prove a treasonable and dangerous intercourse and connexion between the leaders of the revolt in the north-eastern part of the state, and the common enemy. In order that you may form a competent judgment of the matter, such of the original papers respecting it as are in my possession will be delivered to you. Your own prudence will however suggest that these communications, as far as they relate to the names of the persons from whom the intelligence is derived, ought not to be divulged. I have only to observe, that these proofs are corroborated by a variety of circumstances, which equally tend to show, that these criminal transactions are not confined to individuals, but have been conducted under the sanction of that usurped government.

Here followed the affidavit of John Edgar, but it was not given in the copy furnished, and the editor cannot supply it. William L. Stone gave the substance of both affidavits, and noticed no material difference, except that Edgar stated that Vermont was to furnish to the king two thousand men.<sup>3</sup>

#### DAVID ABEEL'S AFFIDAVIT.

*State of New York, ss.* David Abeel of Kattskill, in the county of Albany, yeoman, being duly sworn, deposeth and saith that some time in the month of April last past. he was taken prisoner at his own house by a party of Indians and tories, and carried to Niagara, and from thence to Montreal.

That on his way to the latter place, at the Cedars, he saw one Johnson [of] Fort Herkimer, who informed this deponent, that the people on the New Hampshire Grants, headed by Col. Allen, would join the British with 1500 men;<sup>4</sup> that a Major Allen was then gone down to Quebec for that purpose; that at Montreal it was the general report that the New Hampshire Grants would join them; that this deponent saw at the Isle l' Noix, a Major

<sup>1</sup> *Council Journal*, 1781 to 1784, 66-68.

<sup>2</sup> From "*The Remembrancer* (London) for the year 1782."

<sup>3</sup> *Life of Brant*, Vol. II, 197.

<sup>4</sup> Allen did not start from Vermont for Isle aux Noix until May 1. — *Hist. Coll.*, Vol. I, 421.

Fay, on board a vessel called the Royal George, and who this deponent understood, was an inhabitant on the Grants; that on board the said vessel was one Dr. Smith, Capt. Sherwood, and another person, whose name the deponent does not recollect, who were appointed commissioners to treat with the said Major Fay; that the said Fay brought with him upwards of thirty Hessians, deserted from Burgoyne's army, for exchange, as this deponent was informed, and which he delivered to the British, and further this deponent saith not.

DAVID ABEEL.

Sworn the 20th day of December, 1781, before

RICHARD MORRIS,  
ROBERT YATES.

*Extracts of a Letter from ———, dated January 5, 1782.*

A gentleman of intelligence, who left New York on the 23d ult., and in whom I can place full confidence, gave me the following particulars, which I conceived your excellency entitled to: I therefore do myself the honor to transmit them:

That some time since, commissioners had met with persons appointed by Gen. Haldimand, and offered to become subjects to the crown and government of Great Britain, upon the following terms, viz:

*First*, that the territory as claimed by the Vermonters, be constituted a separate government.

*Secondly*, that the same form of government be granted unto them, as was formerly enjoyed by Connecticut, excepting that the governor of the province should, from time to time, be nominated and appointed by the crown.

*Thirdly*, that they be allowed to remain neuter during the present contest, unless the war is carried within their own territory.

*Fourthly*, that they would raise two battalions properly officered, for their internal defense. These troops to be in British pay, &c., but not to be called into service, unless in defense of the province.

That they be allowed a free trade to Canada and be protected therein.

These are all the particulars that could be obtained respecting the *terms* held out by said commissioners. The papers were delivered to Gen. Haldimand, who, considering the matter of too important a nature for him to decide upon, transmitted them to Sir Henry Clinton, as one of the king of Great Britain's *commissioners for restoring*, &c., by whom they were laid before Justice Wm. Smith, who gave his opinion, that the powers vested in the king's commissioners did not authorize them to determine a matter of so much consequence, and of so singular a nature; that nothing

short of an act of parliament would be sufficient for the purpose ; the papers relative to this matter should be laid before the king in council, that the necessary steps may be taken ; which was accordingly then done, and the result is expected.

I am also informed that Mr. ——— of the city of New York, who claims land in Vermont, has it in contemplation to go thither by the way of Connecticut. What commission he may possibly be charged with, is not in my power to determine. This however is certain, that the enemy form great expectations from the apparent temper of Vermont.

The foregoing are true copies of two affidavits, and an extract of a letter, delivered to the legislature of the state of New York, with his excellency the governor's message, at their present meeting, except as to the names of certain persons and places mentioned in the originals, which it would be improper to divulge, and are therefore omitted in the copies. Examined by

ROBERT BENSON, *Sec.*

Pokeepsie, Feb. 2, 1782.

*James Madison to Edmund Pendleton.* — [Extract.]<sup>1</sup>

1782.  
April 2. The only event with which the period since my last has enabled me to repay your favor of the 28th ultimo, is the arrival of four deputies from Vermont, with a plenipotentiary commission to accede to the confederacy. The business is referred to a committee who are sufficiently devoted to the policy of gaining the vote of Vermont into congress.

April 14. The legislature of New York passed two acts, one in regard to the inhabitants in the territory composing the late West Union of Vermont, and the other covering the whole of Vermont. The first extended a pardon to all who had denied the jurisdiction of New York, which pardon embraced every offense except the crimes of treason and murder — treason in this case being defined as “adhering to the king of Great Britain.”

The other act confirmed to the grantees every charter of land made by New Hampshire issued prior to any charter granted by New York for the same lands ; and provided that such New Hampshire charters might be used as evidence in the courts of New York. This act further confirmed all charters granted *by Vermont* previous to the passing of this act, where the charters had been

<sup>1</sup> *Madison Papers*, Vol. I, 116.

granted previous to New York charters for the same land; and the Vermont charters were to be admitted as evidence. Persons occupying and improving ungranted lands were to have patents free of fees, except the cost of survey. But an indispensable condition of all these privileges was, that the inhabitants of the territory should renounce the assumed government of Vermont, and return to their allegiance to New York: therefore it was provided that commissioners might be appointed by the governor of New York, to treat and agree with commissioners appointed by "the inhabitants residing in the said district of country, or by the inhabitants of any town or towns, or district or districts," under the provisions of the act. The lands of all who were attainted for adherence to the king of Great Britain, or whose estates should have become confiscate for such adherence, were excluded from the act.<sup>1</sup>

In October, 1781, Vermont appointed commissioners to meet commissioners of New Hampshire and New York, to adjust jurisdictional boundary lines. The above act is the answer of New York. She would agree to nothing, except on condition of submission to her authority; and, *ignoring the government of Vermont*, New York appealed to the people, or any town or towns, or district or districts — thus imitating closely the conciliatory plan of the British cabinet in respect to the states.

*The Vermont Question in Congress.*

IN CONGRESS: April 17. The committee, consisting of Messrs. Clymer, Carroll, Clark, Livermore, and Law, to whom had been referred the proceedings of the general assembly of Vermont, February, 1782, reported as follows:<sup>2</sup>

That Congress, on the 20th of August last, by the votes of nine states, resolved as follows: on a reconsideration of the resolution respecting the people inhabiting the New Hampshire grants, it was altered and agreed to as follows:

It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York, contained in the resolutions of the seventh instant:

"*Resolved*, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory,

<sup>1</sup> *State Papers*, 173-176.    <sup>2</sup> *Same*, 170, 171.

called Vermont, and their admission into the federal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the northwest corner of the state of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs northeasterly in its general course; then by the west bounds of the townships granted by the late government of New Hampshire, to the river running from South Bay to Lake Champlain, thence along said river to Lake Champlain, thence along the waters of Lake Champlain to latitude forty-five degrees north, excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain;" which resolution was reconsidered and confirmed on the succeeding day, to wit, the 21st of the same month:

That, in the opinion of your committee, the competency of Congress to enter into the above resolutions, was full and complete. — the concurrent resolutions of the Senate and Assembly of the State of New York, of the fifteenth and nineteenth of November last, containing a protest against the authority of Congress in the matter, notwithstanding; these concurrent resolutions, in letter and in spirit, being, undeniably, incompatible with a legislative act of the said state of a preceding day, to wit, the twenty-first of October, 1779, wherein there is an absolute reference of the dispute between that state and the people of Vermont, respecting jurisdiction, to the final arbitrament and decision of Congress: and from which alone would result to Congress all the necessary authority herein:

That on the ——— day of ———, the people residing in the district, called Vermont, in considering the said acts of Congress of the 20th and 21st of August, did reject the propositions therein made to them, as preliminary to an acknowledgment of their sovereignty and independence, and admission into the federal union, as appears by their proceedings on the files of Congress: but that, on a subsequent day, the aforementioned resolutions of the 20th and 21st of August being unaltered and unrepealed, and the proposition therein contained, in the opinion of your committee, still open to be acceded to, the said people did, in their general assembly, on the twenty-second of February last enter into the following resolution:

"That the west bank of Connecticut river, and a line beginning at the northwest corner of the commonwealth of Massachusetts, from thence northward twenty miles east of Hudson's river, as specified in the resolutions of Congress in August last, shall be considered as the east and west boundaries of this state.

"And that this Assembly do, hereby, relinquish all claims and de-

mands to, and right of jurisdiction in and over, any and every district of territory without said boundary lines:”

That, in the sense of your committee, the people of the said district, by the last recited act, have fully complied with the stipulation, made and required of them, in the resolutions of the 20th and 21st of August, as preliminary to a recognition of their sovereignty and independence, and admission into the federal union of the states, and that the *conditional* promise and engagement of Congress, of such recognition and admission, is thereby become *absolute*, and necessary to be performed; your committee therefore submit the following resolution:

“That the district of territory, called Vermont, as defined and limited in the resolutions of Congress of the 20th and 21st of August, 1781, be and it is hereby recognized and acknowledged by the name of the State of Vermont, as free, sovereign and independent: and that a committee be appointed to treat and confer with the agents and delegates from said state, upon the terms and mode of the admission of the said state, into the federal union.”

Three attempts were made to fix a time for the consideration of this report, but in vain, as the vote of nine states could not then be had for the admission of Vermont to the union. This was stated by Mr. Madison as the reason in these words: “The consideration of the (committee’s) report will not be called for, however, until the pulse of nine states beats favorably for it. This is so uncertain that the agents (of Vermont) have returned.”<sup>3</sup>

*Agents of Vermont to the President of Congress.*

April 19. On leaving Philadelphia, the agents and delegates addressed the following letter to the President of congress:

PHILADELPHIA, April 19th, 1782.

*Sir:*—The situation in which Congress has been pleased to leave the business of our mission, as agents and delegates from the state of Vermont, renders our attendance, at present, unnecessary.

As the representatives of an independent and virtuous people, we esteem it our duty to inform congress that, in consequence of their faith, pledged to us, in and by a resolution of the 20th of August last, and by official advice from sundry gentlemen of the first character in America, the Legislature of Vermont have been prevailed upon to comply, in the most ample manner, with the resolution aforesaid.

<sup>3</sup> *Madison Papers*, Vol. I. 121.

On the 31st ult. we, officially, acquainted Congress with the said compliance, together with the powers vested in us, in full confidence that, from the integrity and wisdom of that honorable body, no obstacle could prevent our confederation and union with them.

We are disappointed by the unexpected delay of Congress, in executing, on their part, the intent and spirit of the resolve above cited.

We would not wish to urge the attention of the grand Council of America from matters of more consequence than merely the happiness of a state : but the critical situation Vermont is reduced to, by casting off a considerable part of her strength, in being exposed, as a forlorn hope, to the main force of the enemy in Canada, and destitute of the aid of the United States, in whose cause, at an early period, she freely fought and suffered, will, we presume, sufficiently apologize for being thus urgent, that unnecessary delay may not deprive us of the benefits of the confederation.

We purpose to leave this city to-morrow morning, and expect to be officially acquainted when our attendance will be necessary ;<sup>1</sup> and have the honor to be, sir, your most obedient and humble servants.

JONAS FAY,  
MOSES ROBINSON,  
ISAAC TICHENOR.

*His Excellency the President of Congress.*<sup>2</sup>

*General Schuyler to General Washington.*

April 20. General Schuyler, from Albany, gave an account of the examination of one Bettys, who had been taken prisoner, and on him had been found a letter, supposed to be for Sir Henry Clinton. Bettys pretended to have left St. Johns on the 15th. The purport of the information was, that an attempt was to be made to turn [or burn] Albany, by the aid of the Vermonters and Sir Henry Clinton. Schuyler's comment was — " Whatever may be the intention of the enemy, such a communication to a character like the informant, [Bettys,] appears to me utterly impossible."<sup>3</sup>

<sup>1</sup> The agents of Vermont were never notified to attend, and the subsequent adverse action of congress was *ex parte*. For a clear statement of the influences at work against Vermont, through the interests of other states, see *Early History*, 403-417.

<sup>2</sup> *Vt. State Papers*, 172.

<sup>3</sup> *Washington Letters*, State Department, Vol. LV, 360.



There had been a report a few months before [Sept. 1781,] that Albany was to be burnt by enemies from a different quarter, and Heath and Stark were besieged for help. Stark ridiculed the panic thus, to Heath, from Saratoga :

The people of Albany are greatly alarmed for their city. They require all the troops of this district, or a major part of them, to prevent about fifty Tories from burning their sloop, wives, and houses ; for it appears these turbulent sons of rapine have given out most fearful threats against that sacred place. However, sir, unless you order to the contrary, I shall venture, in case I feel confident of the enemy's approach, from Lake Champlain, to order all the troops now at Albany to this post, or to the Mohawk.<sup>1</sup>

H. — *From the British Commissioners to Vermont Commissioners.*

Copy of a letter from A. B. to E. dated April [22<sup>d</sup>] 1782.

*Gentlemen* :—In confidence we take this opportunity to acquaint you, by the authority of his Excellency General Haldimand, that he is still inclined to treat amicably with the people of Vermont, and that his generous and humane inclinations are now seconded by much stronger powers from His Majesty than he has hitherto enjoyed for that purpose. His Excellency still retains that generous confidence in your repeated professions of sincerity, as well as your solemn promises to endeavor to unite Vermont to Great Britain, which (abstracted from all party and political views) is due to the sincerity of men of honor. Upon this principle we do in confidence officially assure you that every article proposed to you in his Excellency's former offers will, as that which was contended for by Vermont, viz : the confirmation of the east and west unions in their utmost limits, be amply complied with. This information is more intended for the ears and advantage of the leading people of Vermont who have manifested a desire for a re-union, than for public knowledge, and it is expected you will make it subservient to that purpose and the success of that object only, if still wished by you. But should the Lord Cornwallis' misfortune or any other circumstance or view have inclined you to alter your opinions and inclinations, we request and conjure you by that candor and honor which you have so repeatedly declared to be the ruling motives of your whole conduct throughout the negotiation, to signify the change by the return of the messenger, as the continuance of a negotiation

<sup>1</sup> *Memoir of Stark*, 257 ; also 248, 249.

<sup>2</sup> The date of this letter is stated in *Williams*, Vol. II, 210, where an extract is given.

attended with so much trouble and from which nothing is to result, cannot be expected. It will however in the [any] event afford his Excellency infinite satisfaction to reflect that every effort which humanity, moderation and generosity could dictate has been employed on his part to rescue from the general calamity so principal a district of His Majesty's Colonies. His Excellency expects (if you remain in the opinion you held last autumn) to hear from you in the fullest manner every transaction that has passed in Congress and the Vermont Assemblies relative to this affair, the determination of these meetings, and your sentiments on the ultimate resolution of your people respecting the wished for re-union. He likewise expects that if you declare an intention to pursue such measures as justify a continuance of negotiation, that you will meet A. at any convenient place you will appoint in the vicinity of Crown Point, as soon as possible, a personal interview being in his Excellency's opinion the most effectual and safe method of negotiating.

We made an attempt last February to hear from you by the bearer, but failed. We hope this will be attended with better success, and that your answer may be such as to unburthen our anxious minds, knowing as you do how much our character and reputation depend on your closely adhering to the promises and encouragement you have been pleased to give us. As we have at your desire represented to his Excellency your candor and honor in so sanguine a manner as to induce him to entertain the highest opinion of your veracity and upright intentions, consequently, should he have reason to alter his sentiments, he must in some measure consider his confidence in us to have been ill placed. We are assured your sentiments of honor are too delicate to admit of this when in your power to prevent it, and that from your knowledge of business you will readily conceive how painful such apprehensions must be to an honest soldier, honored with the confidence of his general in a matter of so great importance. We therefore still flatter ourselves that you will not suffer anything to be wanting on your side to bring it to a just and happy conclusion, or if that cannot be done, to give us such well-founded and permanent reasons as may enable us to satisfy his Excellency not only of our veracity, but of yours likewise.

We are, &c.

April 23. The *London Courant* of this date gave, almost word for word, the letter communicated to the assembly of New York by governor Clinton, with his message, March 21.<sup>1</sup> It was repub-

<sup>1</sup>*Ante*, 257.

lished in a hand-bill, [probably at Albany,] and a certified copy was made by James Breakenridge of Bennington. It was a very correct statement of propositions entertained by the commissioners in the secret negotiation. How the secret was revealed, unless by one of the commissioners, and how it came to be revealed to both the governor of New York and the British officers at New York at the same time, are questions more interesting to the curious than important. Haldimand complained of treachery in the letter following.<sup>1</sup>

H. — *Gen. Haldimand to Sir Henry Clinton.*

DUPLICATE.

[April 28, 1782.]

Your Excellency's dispatches of the 22d February with an extract of Lord George Germaine's, I received the 6th inst., and that of the 10th March and triplicate the 15th, together with copies of Lord George's to me by the January packet. The latitude for negotiating with Vermont is so differently expressed in his Lordship's letter to me of the 26th of July and his subsequent dispatch to your Excellency communicated in your letter, that it is difficult to act with any prospect of success on one hand without hazarding blame on the other, more particularly as his Lordship has not touched upon that material part of the subject in his letter to me, and as I am totally uninformed of the plan of operation for the ensuing campaign. To continue any intercourse etc. with the Vermonters, encouraging them to expect that their interest will be attended to, proving a too general and ineffectual doctrine before Lord Cornwallis' misfortune, now it would be matter of ridicule, which is sufficiently manifested by their concessions to the Congress etc. relinquishing their late assumed jurisdiction on which our hopes were founded, notwithstanding the encouragement I gave of its being confirmed.

To attempt to treat with them upon conditions short of that would be adding to our lost time, nor will they ever be accepted if not attended with an apparent prospect of our affairs on this continent taking a prosperous turn.

The crisis is arrived when coercion alone must decide the part Vermont will take, and that measure should be determined upon from the minute the troops directed by Lord George to appear upon their frontiers shall take post, and must be carried into execution as far as possible, after giving them sufficient notice, by laying waste their country if they do not accept the terms offered,

<sup>1</sup> *Ethan Allen Papers*, 377. See *Early History*, 457.

otherwise the troops will only serve to confirm them in the prevailing and too just idea that we want abilities to force them to compliance, and will enhance their merit and influence with Congress. As I dare not hazard a dispatch for Lord George by the return messenger, I beg leave through the channel of this letter to acknowledge the receipt of his Lordship's dispatch, forwarded to me by your Excellency, and request you will have the goodness to send a copy of it deciphered. The minute I can form any certain judgment that this provision [expedition] is not to be attempted by the river and agreeably to Lafayette's proposal, communicated in your letter, I shall not fail appearing with as great a force as my strength and circumstances will admit of upon the frontiers, for the purpose expressed in his Lordship's letter, for which I have *already* made preparations, but the impossibility of penetrating far into the country with so inconsiderable a force as that, will be too evident to require enlarging upon, and our expectations of success should be proportioned to immediate [danger of] misfortune. Three thousand [men] were assembled and three thousand more in readiness to cut off colonel St. Leger's retreat last year had he ventured any longer in the country, in which case they would have infallibly succeeded. Author[ities insist that it] is not the number of troops Mr. Washington can spare from his army [that is] to be apprehended; it is the multitude of militia men in arms ready to turn out at a quarter of an hour's notice upon the spies of a single regiment of continental troops, that would oppose this attempt, the facility of which has been fatally experienced.<sup>1</sup> This movement I cannot effect before the middle of June, not only from the *uncertainty* of what may happen here but from a want of *flour*, having lived seven weeks past upon that destined for the upper country, which must be replaced from a purchase of wheat I have made to *provide* against the *usual* delays of the *provision fleet*, and that wheat cannot be ground before. In consequence of the information contained in your Excellency's letter of the 22d February, concerning the attempt intended by Clarke against Detroit, I have sent orders eventually to reinforce that place with two companies of Butler's Rangers, which is all I can at present do for it, and these must be drawn from Oswego where I hope a post is by this time taken; preparations have been made for that purpose in the course of the winter at Carleton Island, from whence a detachment was to proceed the moment *lake Ontario* became navigable. I have more to hope from the secrecy with

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<sup>1</sup>The translator of the cipher fatally failed of giving the sense of the preceding sentences, and the editor has ventured to guess it from the fragments of the original retained in the translation.

which this has been conducted and the activity of major Ross who commanded, than from the strength of his detachment, which is *inadequate* to this necessary undertaking, but proportioned to my *force* and circumstances. I, with much concern, refer your Excellency to a rebel newspaper printed at Fishkill, where the *substance* of all that has passed in my negotiation with Vermont and is communicated to you, is related. This proves that our confidence has been somewhere betrayed, and God knows what bad effects it may have in that affair, particularly if Allen and Fay have been sincere. About two months ago I sent a message to Allen to learn *what* had *passed* in Congress relative to Vermont affairs; the messenger was taken on his way out, but fortunately destroyed his dispatch; this has prevented my *forming* so good a *judgment* as I might have done of their late transactions, but I have with great difficulty *procured* two men who are now on that business. These obstacles oblige me to request that your Excellency will not, as you have mentioned in your letter, [be] confined or entirely *dependent* to a channel through me. [In] the interest pursued of *reclaiming* Vermont, that I shall make every effort in my power may be *relied* on, but I am so circumstanced as to require every aid that can be given.

The 20th of May I shall send a field officer of the provincials, by appointment of a colonel Beadle, to confer with him at Havrel in Connecticut.<sup>1</sup> He has promised to *propose* to me some matters of importance. The character I have of him from many loyalists who know him is not flattering to my hopes, but as something may be *discovered* by the interview explanatory of Vermont affairs, I have embraced the offer. I send you two fast messengers with this and shall detain the last a *few* days in hope of communicating some news to your Excellency from Europe. The ice having broken up much earlier than usual, arrivals are looked for in a few days.

MONTREAL, 28 April.

The duplicate of the letter of the 22d February and General Robinson's is now received.

The men have received 10 guineas each.

Indorsed: "Duplicate of General Haldimand to Sir Henry Clinton, Montreal, 28th April. Received 22d June, 1782. No. 3."

*British Commissioners to Vermont Commissioners.*<sup>2</sup>

April 30. His excellency has never lost sight of his first object; and I am happy to be able in this to inform you, that the general

<sup>1</sup> Haverhill, New Hampshire. Probably col. Timothy Bedle.

<sup>2</sup> Williams, Vol. II, 211. Hist. Coll., Vol. I, 465.

has lately received, by way of Halifax, full powers from the king to establish V\*\*\*\*\*t government, including the full extent of the east and west unions, with every privilege and immunity formerly proffered to you; and he is likewise fully authorized, as well as sincerely inclined, to provide amply for \*\*\*\*\* , and to make \*\*\*\*\* brigadier general in the line. \*\*\*\*\* field officers, with such other rewards as your sincerity, and good services in bringing about the revolution, may in future merit. In short, the general is vested with full powers, to make such rewards, as he shall judge proper, to all those, who distinguish themselves, in promoting the happy union: and as his excellency has the greatest confidence in you, and \*\*\*\*\* , much will depend on your recommendations.

*Observations relating to the influence of Vermont, and the territorial claims, on the politics of Congress.*

BY JAMES MADISON.<sup>1</sup>

1782.  
May 1. The two great objects, which predominate in the politics of congress at this juncture, are *Vermont* and the *Western Territory*.

I. The independence of Vermont and its admission into the confederacy are patronized by the eastern states (New Hampshire excepted) first, from an ancient prejudice against New York; secondly, the interest which citizens of those states have in lands granted by Vermont; thirdly, but principally, from the accession of weight they will derive from it in congress. New Hampshire having gained its main object by the exclusion of its territory east of Connecticut river from the claims of Vermont, is already indifferent to its independence, and will probably soon combine with other eastern states in its favor.

The same patronage is yielded to the pretensions of Vermont by Pennsylvania and Maryland, with the sole view of re-enforcing the opposition of claims of western territory, particularly those of Virginia, and by New Jersey and Delaware with the additional view of strengthening the interests of the little states. Both of these considerations operate also on Rhode Island, in addition to those above mentioned.

The independence of Vermont and its admission into the union are opposed by New York for reasons obvious and well known.

The like opposition is made by Virginia, North Carolina, South Carolina and Georgia. The grounds of this opposition are, first,

<sup>1</sup> *Madison Papers*, Vol. i, 122. *Life and Writings of Washington*, Vol. viii, 547. — Mr. Sparks in a note states that a copy of this important and interesting paper was given to him by Mr. Madison. In *Early History*, 406 to 408, Hiland Hall gives various references on this paper.

habitual jealousy of a predominance of eastern interests; secondly, the opposition expected from Vermont to western claims; thirdly, the inexpediency of admitting so unimportant a state, to an equal vote, in deciding on peace, and all the other grand interests of the union now depending; fourthly, the influence of the example on a premature dismemberment of the other states. These considerations influence the four states last mentioned in different degrees. The second and third, to say nothing of the fourth, ought to be decisive with Virginia.

II. The territorial claims, particularly those of Virginia, are opposed by Rhode Island, New Jersey, Pennsylvania, Delaware and Maryland. Rhode Island is influenced in her opposition, first, by a lucrative desire of sharing in the vacant territory as a fund of revenue; secondly, by the envy and jealousy naturally excited by superior resources and importance. New Jersey, Pennsylvania, Delaware and Maryland are influenced partly by the same considerations, but principally by the intrigues of their citizens, who are interested in the claims of land companies. The decisive influence of this last consideration is manifest from the peculiar and persevering opposition made against Virginia, within whose limits these claims lie.

The western claims, or rather a final settlement of them, are also thwarted by Massachusetts and Connecticut. This object with them is chiefly subservient to that of Vermont, as the latter is with Pennsylvania and Maryland to the former. The general policy and interests of these two states are opposed to the admission of Vermont into the union; and if the case of the western territory were once removed, they would instantly divide from the eastern states in the case of Vermont. Of this, Massachusetts and Connecticut are not insensible, and therefore find their advantage in keeping the territorial controversy pending. Connecticut may likewise conceive some analogy between her claim to the western country and that of Virginia, and that the acceptance of the cession of the latter would influence her sentiments in the controversy between the former and Pennsylvania.

The western claims are espoused by Virginia, North Carolina, South Carolina, Georgia and New York, all of these states being interested therein. South Carolina the least so. The claim of New York is very extensive, but her title very flimsy. She urges it more with the hope of obtaining some advantage or credit by its cession, than of ever maintaining it. If the cession should be accepted, and the affair of Vermont terminated, as these are the only ties which unite her with the southern states, she will immediately connect her policy with that of the eastern states, as far at least as the remains of former prejudices will permit.

*Internal Disturbances.*

As soon as Vermont had dissolved the East and West Unions, the adherents to New York, in southeastern Vermont, renewed their efforts against the Vermont government, using every means to inflame public opinion in that direction. March 12, a town meeting at Brattleborough voted that, in their opinion, the Vermont government had entered into a treaty with the British; that their allegiance was due to New York, and to withdraw all allegiance from Vermont; and that if a sufficient number of other towns would agree, they would petition New York to establish a civil government over them. March 13, a meeting with like action was held in Guilford; and on the 14th another in Halifax. On the 20th, committees of the three towns met, an agent was appointed to apply to New York, and circulars were sent to six other towns, which were counted favorable. The petition to the legislature of New York asked for the establishment, by New York, of civil government on the grants, "with sufficient authority and force to put it into execution."

Nothing important having been accomplished by this movement, another was made, April 26, by Charles Phelps, of Marlborough. He prepared a vigorous remonstrance, charging the principal men of Vermont with treason; complained of taxes exacted by Vermont, and the great inconveniences and sufferings of the adherents to New York; and as remedies asked that a regiment be raised in Vermont under the authority of New York, and a full complement of civil officers commissioned. The committees of the three leading towns adopted this remonstrance, and sent an agent with it to governor Clinton.

May 6. Governor Clinton replied, in a letter, in which he promised his endeavors to obtain commissions for the required civil and military officers. Quoting the declarations of congress, that the three claiming states should abstain from exercising jurisdiction over persons not yielding allegiance, he affirmed that New York had complied, and "should any person under pretence of authority from the assumed government [of Vermont] attempt to enforce their laws, you will perceive that resistance by force is, in



every point of view, justifiable, and the faith and honor of congress is pledged for your support." He declared further, that there was the fullest evidence of a "criminal and dangerous intercourse" between Vermont and the enemy, and this he would have them use to influence the friends of America among the Vermonters. He concluded by saying, that if persuasive measures should fail and congress delay or decline to act, no alternative would be left to New York but to adopt "compulsory measures."<sup>1</sup>

About this time—in the spring of 1782, says Ira Allen—a loyalist officer out of Canada, having raised seventeen recruits in New York, passed through Vermont, and on his way captured two Vermont officers. Colonel Ira Allen directed a pursuit and capture of this party, with success. The prisoners were brought to Sunderland, examined by the governor and Ethan Allen, and committed to Bennington jail as prisoners of war. Ira Allen informed the British commissioners in Canada of the matter, and required about double the number of prisoners in exchange, that the people of Vermont might be satisfied; and this requisition was honored. In the meantime a strong party was developed, in and about Bennington, who were opposed to any negotiation with the British, and threatened to prevent the return of the British prisoners. Governor Chittenden promptly ordered a military force to take the prisoners from Bennington, and march them to the frontier to be exchanged; which was done. Colonel Seth Warner then appeared, with a committee from Bennington, and a warm altercation ensued, between them and governor Chittenden, the complainants threatening to raise a regiment and bring the prisoners back. The governor replied, that he had acted by the authority of his council, and that colonel Ira Allen's regiment would be sufficient to execute his orders. He therefore advised the committee to return to Bennington, and quiet the people. The dispute subsided; and in due time forty prisoners were returned by the British, embracing not only citizens of Vermont, but many citizens of other states, who were, however, included in the receipt of major Fay, the Vermont commissary of prisoners.<sup>2</sup>

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<sup>1</sup> *Eastern Vermont*, 419-422.

<sup>2</sup> *Vermont Historical Collections*, Vol. I, 459, 460.

The resolution, first following, doubtless is the action referred to by governor Chittenden :

STATE OF VERMONT, IN COUNCIL, }  
Arlington, 7th May, 1782. }

The council having taken into consideration the manner in which the prison is lately taken should be disposed of, whereupon

*Resolved*, that Joseph Fay, esquire, Commissary-General of prisoners, be and he is hereby directed to take a list of said prisoners, and such as have been actually in the British service to cause to be immediately sent to Canada to be exchanged, and the remainder to remain in close confinement until further orders from this council.

Attest,—THOMAS TOLMAN, *D. Sec'y.*<sup>1</sup>

Whereas, it appears to this council that there is not a sufficiency of provision collected for the present support of the troops in service, and that unless immediate exertions be made, the troops cannot be supported, therefore

*Resolved*, that it be and hereby [is] recommended to the inhabitants of the several towns within this state to take some immediate and effectual measure to raise a sufficiency of provision at [their] cost to support the number of soldiers sent from such town, until they can be otherwise supplied by the present crops on the ground.

Attest,—JOSEPH FAY, *Sec'y.*<sup>2</sup>

In executing the Vermont act of February session, to raise troops, the state officers determined to draft the quota of Guilford from adherents to New York. Stirred up by governor Clinton's letter of the 6th, his adherents in Guilford determined to resist Vermont "with lives and fortunes."

May 10. Accordingly when, on the 10th of May, on an order by the Vermont selectmen of Guilford [there were New York selectmen also,] the sheriff of Windham county seized property to meet the amount expended by the state in hiring a man to do military duty in behalf of Guilford, the property was forcibly rescued; for which, a presentment was made by the grand jurors of Windham county at the next court [September] of thirty-two persons.<sup>3</sup>

<sup>1</sup> *Council Journal*, 1781 to 1784, 68.

<sup>2</sup> *Council Journal*, 1781 to 1784, 69.

<sup>3</sup> *Eastern Vermont*, 424-426.

May 17. Representatives of Brattleborough, Halifax, and Marlborough met and prepared a remonstrance and petition to gov. Clinton, complaining of "intrigues, conspiracies, and insurrections" by Vermonters, and declaring their purpose to defend their rights by force. But their defeat would be certain, unless they were aided by the governor, of whom they once more asked civil and military officers, also permission to convey prisoners to New York jails, and engaged to furnish quotas of men and supplies for the war. Charles Phelps was the bearer, who also bore a formidable list of arguments—the petition and the arguments being his own work. These were presented to and favorably received by the New York authorities.<sup>1</sup>

*H. — Gen. Haldimand to Sir Henry Clinton.*

MONTREAL, 27th May, 1782.

Your Excellency will now receive a duplicate of my letter of the 28th of April. I send this messenger to learn certain intelligence in the affairs of the rebel country, and as he finds this he will proceed to you with it, or forward it and return immediately. The difficulties of collecting wheat at different places and conveying it to different mills has been so increased by eastwardly winds that I shall not be able to appear upon the frontiers so early as is mentioned in my last to you, but I do not look upon this as unfortunate, having since received letters from our friends in Vermont that gave me greater reason than I have yet had to believe them sincere in their desiring to effect a revolution, but they say they are too powerfully opposed to make a rapid progress. They however gain influence, and expect in the course of time to accomplish it, provided we are successful in other quarters. They refer me, in proof of their fidelity and for particular information, to a person of consequence well known to me last war, who they purpose sending to me in three weeks, as they wish from the late discoveries to avoid writing as much as possible.

The officer I sent to Colonel Beadle is returned without having seen him, although two days within a league of him. He sent him word that the country was so watched that he could not risk an interview, but promised every assistance in his power at all times; his fulfilling them no doubt depends upon the general success of the war, to which they all naturally look and wait to determine.

A private ship from London brings accounts of the total change

<sup>1</sup> *Eastern Vermont*, 427-429.

of the Ministry. This may produce some in the system of the war. I have not received any letters, but naturally look for these daily. I shall nevertheless proceed with all possible dispatch to carry into execution the instructions I have received from Lord George Germaine, to make the recovery of Vermont to the king's obedience the primary object of my attention. I kept the last messenger for the arrival of instructions from England and the person from Vermont.

Two of my most active messengers for intelligence were hanged lately at Albany. F. H.

May 31. The town of Newbury, Vermont, voted to join New Hampshire.<sup>1</sup>

1782. In response to a petition of the adherents to New  
June 5. York, through Charles Phelps, the New York council of appointment commissioned Phelps and fourteen others as justices of the peace for Cumberland [under Vermont named Windham] county, with ample powers to arrest and imprison the Vermonters who should trouble them; and commissions were also issued to officers of the regiment established in that county some years before by New York. Gov. Clinton instructed the colonel of this regiment [Timothy Church] to protect the country from the depredations of the enemy, but to exercise authority over only such as professed allegiance to New York, "unless the conduct of the usurped government" should render "a contrary conduct indispensably necessary for the immediate protection and safety" of those whom he was ordered to defend.<sup>2</sup>

June 15. The general assembly met at Windsor, for an adjourned session, on the 13th, but a quorum did not attend until the 15th, when Massachusetts, through an officer, honored the independent sovereignty of Vermont :

IN COUNCIL: Upon an application to this council by Mr. Benj. A. Jacobs of Salem in the commonwealth of Massachusetts, producing a letter directed from the Commissary-General of prisoners at Boston to the Commissary-General of prisoners at Quebec, and desiring a permit for the purpose of passing into Canada to nego-


<sup>1</sup> *Index to Stevens Papers*, 82.

<sup>2</sup> *Eastern Vermont*, 431, 432. *Clinton Papers*, No. 4574.

tiate an exchange of a number of prisoners agreeable to the request of said letter; and colonel Chase appearing and informing the council that from an acquaintance with the said Jacobs he could recommend him as a gentleman of good character; therefore

*Resolved*, that it be and hereby is recommended to his excellency the governor to grant a permit agreeable to the said request; and also to include in said permit one Jos. Taylor to attend the said Jacobs.

N. B. (A copy of the permit granted is on the files of council.)

 The permit was altered as will appear by the copy on file.<sup>1</sup>

H.—*Copy of a letter from C.<sup>1</sup> to His Excellency, General Haldimand, the morning of the 16th of June, 1782.*

*Sir*:—I have to acquaint your Excellency that I had a long conference with . . . [a British agent] last night. He tells me that through the channel of A. [Sherwood] he had to request me in your name to repair to the shipping on Lake Champlain to hold a personal conference with His [your] Excellency. But as the bearer is now going to get out of my house to repair to His excellency, and would have set out yesterday had not the intelligence of the arrival of . . . postponed it until to-day, I thought it expedient to wait your Excellency reconsidering the matter, after discussing the peculiar situation of both the external and internal policy of this state with the gentleman who will deliver this to you; and shall have, by the time your Excellency has been acquainted with the state of facts now existing, time to bring about a further and more extended connection in favor of the British interest, which is now working at the General Assembly at Windsor near the Connecticut River.

The last refusal of Congress to admit this state into union, has done more to awaken the common people to a sense of that interest and resentment of their conduct than all which they had done before. By their own account, they declare that Vermont does not and shall not belong to their confederacy. The consequence is that they may fight their own battles. It is liberty which they say they are after, but will not extend it to Vermont. Therefore Vermont does not belong either to the confederacy or the controversy, but are a neutral Republic. All the frontier towns are

<sup>1</sup> *Council Journal* for that session, 3, 4.

<sup>1</sup> Probably *Ethan Allen*, Ira being then at Windsor. It will be seen that, in the following month, *Ira Allen*, at Quebec, addressed general Haldimand, and his letter was filed "G."

firm with these gentlemen in the present administration of Government, and to speak within bounds, they have a clear majority of the rank and file in their favor. I am, &c.

N. B. — If it should be Your Excellency's pleasure, after having conversed with the gentleman who will deliver these lines, that I should wait on Your Excellency at any part of Lake Champlain, I will do it, except I should find that it would hazard my life too much.

There is a majority in Congress, and a number of the principal officers of the Continental Army, continually planning against me. I shall do everything in my power to render this state a British Province.<sup>1</sup>

*Report of Vermont's Agents to Congress, and action of the General Assembly, June session, 1782.<sup>2</sup>*

IN JOINT ASSEMBLY: June 17, 1782. His excellency the governor and council having joined the Assembly in a committee of the whole, to hear the report of the honl. Jonas Fay and Ira Allen, esqrs., and Abel Curtiss, esqr.; and of the honl. Moses Robinson, Jonas Fay, and Paul Spooner, esqrs., and Isaac Tichenor, esqr., late agents to congress, his excellency in the chair, Micah Townshend, esqr., clerk: 1st, a resolution of the governor and council, appointing the honl. Elisha Payne, Jonas Fay, and Ira Allen, esqrs., and Abel Curtiss, esqr., agents to congress, dated Jany. 10th 1782, was read. 2d, a letter from Messrs. Fay and Allen to the president of congress, dated 30th Jany. 1782, read. 3d, a letter from the honl. Samuel Livermore, chairman of a committee of congress, to Messrs. Allen and Fay, dated Feby. 1st, read. 4th, a letter from Messrs. Fay and Allen to Mr. Livermore, chairman, &c., dated 5th Feby. 1782, read. 5th, a paper delivered by Messrs. Fay and Allen to a committee of congress on the 6th Feby. read. 6th, a memorial delivered by Messrs. Fay, Allen and Curtiss to the committee of congress, dated 17th Feby. 1782, read. [7th,] Written observations delivered by Messrs. Fay, Allen, and Curtiss to the committee of congress, dated 12th Feby. 1782, read. 8th, a letter to the president of congress from Messrs. Fay, Allen, and Curtiss, dated 13th Feby. 1782, read. 9th, a letter from the same persons to the president of congress, dated 16th Feby. 1782, read. 10th, a letter from the same persons to the president, dated 21st Feby. read. In the report of

<sup>1</sup> Ethan Allen had been suspected by Washington, and of course by other leading men, and had been watched by Schuyler through agents selected by him.

<sup>2</sup> *Assembly Journal*, 1778-1784, 401-410.

honl. Moses Robinson, Jonas Fay, and Paul Spooner, esqrs., and Isaac Tichenor, esqr., the following papers were read, viz: 1st, a commission under the signature of his excellency the governor, appointing the persons above mentioned agents and delegates to congress, dated 13th March, 1782. 2d, a written report of the said agents of their proceedings, and the proceedings of congress respecting this state. Col. Allen then presented to the committee an address to the governor and council and general assembly, respecting his office as treasurer, which was read.

IN GENERAL ASSEMBLY: June 19. The committee appointed to prepare a bill for suppressing the present disturbances in the county of Windham, brought in an act entitled "an act for the punishment of conspiracies against the peace, liberty, and independence of this state," and it was recommitted.

On motion made, *Resolved*, that the honl. Jonas Fay and Paul Spooner, esqrs., be and they are hereby requested in their circuits to the county of Orange to call on the disaffected inhabitants in the northern towns in the county of Windsor, and such of the towns in the county of Orange as they shall go through, and explain the proceedings of Congress to them in a true light, and use their utmost endeavors to unite the disaffected people to this government.

By a resolution in the same form, Isaac Tichenor was requested to visit and quiet the disaffected in Brattleborough, Halifax, and Guilford.

June 20. An act entitled "an act establishing the constitution of Vermont and securing the privileges of the people," was read and passed the house.<sup>1</sup>

June 21. An act entitled "an act for the punishment of conspiracy against the peace, liberty, and independence of this state," was read and passed the house.<sup>2</sup>

<sup>1</sup> For this sharp act, see *State Papers*, 454.

<sup>2</sup> More than one writer has amused himself with the assumed absurdity of such a legislative act, while in fact it is absurd only when tried by the modern rule, which subordinates the legislature to the constitution. The charge of absurdity rebounds upon these critics when the fact is recalled that the general assembly of Vermont was not a body of limited powers, or even of co-ordinate powers at that time, but, by the constitution itself, "the supreme legislative power" was "vested in a house of representatives of the freemen or commonwealth or state of Vermont."—[*State Papers*, 246.] In truth, therefore, any legislative act, for the purpose "of establishing the constitution," would have been neither unconstitutional nor in any sense

On motion made by Mr. Stephen R. Bradley, *Resolved*, that the secretary be and is hereby directed to send attested copies of said act unto the towns of Brattleborough, Halifax, Guilford, and Marlborough, and that he send printed copies of the said act to the several towns throughout the state, as soon as they can be printed.

improper. This was the purpose of the act. Had the legislature of 1782 attempted to *change* the constitution, the criticism of modern writers would not be altogether unreasonable, since the constitution provided another mode of amendment, and they might from that fact argue that any other would be unconstitutional. But even on this supposed case it should be observed, that the original constitution was the handiwork of *the representatives of the towns*, and then stood, as it still stands, on their authority alone; and hence, should *the towns* at any time, by their representatives, *change the constitution*, all that could be said is, that both acts were by the same power, and the last act would therefore be just as good as was the first—both in fact depending on the subsequent acquiescence of the people. To judge the legislators of 1782 fairly, we must take their view of the case. The original Vermont town charters were royal grants, by which the right of self-government in annual March meeting was accorded to the grantees, “agreeable to the laws and customs of the province,” which was then New Hampshire; but in 1764 that province relinquished the jurisdiction of these towns, and New York never acquired it. In 1777 these towns, by delegates in convention, declared independence, and then each town was as perfectly sovereign and independent as was the state which they formed, and in 1778 organized. The towns confessed allegiance neither to the King, nor to New Hampshire, nor to New York, and they were under no written bond even to each other, until they formed the constitution. The “conventions” were only the towns acting by their delegates, and the “council of safety” was created by the convention of town delegates which framed the constitution. Chittenden, in the letter to congress, Jan. 9, 1783, thus stated the facts as to independence:

“The inhabitants of the territory of Vermont have lived in a state of independence from their first settlement to this day. Their first mode of government and management of their internal police, was very similar to that of the United States in their first separation from the British government. They were governed by Committees of Safety, and Conventions; which last was their highest judicature for the security of their just rights,” &c., “and which, on the 15th day of January 1777 declared themselves to be a free and independent state, and have, from their first settlement of the country, maintained their independence, and protected their lives and properties against all invaders, and date their freedom from the royal adjudication of the boundary line between New York and New Hampshire, the 20th of July 1764, and are now in the eighteenth year of their independence.”

Independent *as a state* from 15th January 1777, but independent also from 20th July 1764. How, in any civil or political organization, but *as*



*Resolved*, that Mr. S. R. Bradley be and is hereby requested to bring in a bill empowering the captain-general to order such men to assist the sheriffs in the several counties in the execution of their office, as he shall judge best.

*towns?* These towns, by their delegates, framed and adopted the constitution, and in it reserved supreme legislative power to their representatives. In 1779, for the purpose of quieting doubts, their representatives declared that the constitution as then existing, and as it should be in future amended agreeable to the 44th section, [by the council of censors and conventions of town delegates,] "shall be forever considered, held, and maintained, as part of the laws of this state."—[*State Papers*, 288.] Mr. Slade suggested in a note that the doubt rose inasmuch as the constitution had never been sanctioned by the people—from which we are obliged to dissent, because the remedy would not cure the disease. The rule *similia similibus curantur* would not work here. The preamble to the act of 1782 alleges the same reason: it was "to prevent disputes respecting the legal force of the constitution." In conjecturing the most reasonable ground for dispute, both in 1779 and 1782, we think the most reasonable one is that there were towns organized and represented which were not represented in the convention that adopted the constitution, and had never formally accepted it. Mischievous men might raise doubts as to the obligations of these towns, that the act of the legislature, *in which they were represented*, would remove. By the act of 1782, the *new* towns, as well as the old, *did* accept the constitution, and thus it became "established" over all the towns at that time, as it subsequently was in new towns by their grants from Vermont and representation in constitutional conventions. If the conjecture be incorrect, this note may not unfitly stand in history as a testimony to the former dignity and importance of the towns, which are now well nigh lost. By the institution of the senate, the towns lost their supremacy in legislation; and by the convention of 1870 they surrendered their supremacy in the adoption or rejection of amendments to the constitution.

The other provision of the act of 1782 declared that all citizens of American states might have the privileges of residence and the protection of the laws for their persons and property. The original constitution gave these privileges to "foreigners," and this part of the act may have been designed to meet a doubt whether the word "foreigners" included citizens of other American states. The act certainly was not inconsistent with the spirit of the constitution.

On the whole we think this act hardly proves either ignorance or absurdity against the legislators of the infant state. There were not many learned men among them, and they did not have the federal constitution as a model; but having made a rough-hewn state, they were able to preserve it, for more learned men to polish and adorn.

On motion made, *Resolved*, that it be and it is hereby recommended unto the honl. Moses Robinson, esqr., chief judge of the superior court, to call a special superior court to be holden in the county of Windham as speedily as possible, as the exigencies of the public in that quarter require it.

An act entitled "an act for empowering his excellency the governor to appoint and commissionate and order such number of officers and men to assist the sheriff as he shall judge expedient," was read and passed the house.

*Resolved*, that the members and officers of this house shall not divulge or make public the act empowering the governor to raise men to assist the sheriff in his office and duty, and directing the commissary to furnish the men so raised with provisions, and the resolve directing the chief judge to call a superior court in the county of Windham, on penalty of incurring the censure of this house.

Among the acts of this session, in addition to those named in the above extracts from the journal, were

An act adopting the common and statute law of England, [as far as applicable, and except so much as was repugnant to the constitution.]

An act defining and limiting the powers of the several courts within this state.

An act in addition to an act directing and regulating the levying and serving executions. [Articles of personal property, for want of money, to be appraised to the creditor at the sign-post. A temporary act, to bridge over very "hard times."]<sup>1</sup>

#### H. — *General Haldimand to Sir Guy Carleton.*

[No. 1.]

QUEBEC, 22nd June.

I was last night honored with your letter of the 21st May, communicating His Majesty's appointment of you to the chief command of the southern department, on which occasion I beg leave to congratulate your Excellency and to offer my sincere wishes for your prosperity and success. Your Excellency's letter of the 5th of April from England has not appeared, and I much fear it has shared the fate of others in the Bellona, which, after a fortunate passage to the South Traverse there struck upon a rock and went down so soon as to leave the crew only time to escape with their lives. My letters of the 28th April, 27th May, and 4th June, to Sir Henry Clinton, will inform you of the ignorance in which I was and remained until last night of the intentions of the

<sup>1</sup> *State Papers*, 449-455.

present Ministry with regard to the war and this country, and your letter has relieved me from a very embarrassing situation, the unavoidable delay mentioned in the letter here referred to having luckily prevented the intended movement.

The necessary preparations are in great forwardness, and I by degrees move the troops intended for it to the Isle aux Noix to carry on some necessary works, which I made a pretext for forwarding the provisions and stores. Should the laudable dispositions and endeavours for peace now existing prove ineffectual, and offensive measures be unhappily renewed, those troops will be ready for any excursions that may be found necessary on the frontiers.<sup>1</sup> The confidential person mentioned in my letter of the 27th of May, to be expected from Vermont, is not arrived, and being informed that he is in bad health, I have directed my agent for that business to send a message to Allen, pressing him to a private interview with him. It is very probable that the respect and general accommodation will induce that people to close with Government, knowing how little they have to expect from Congress and their neighbor provinces if left to their mercy. The 21st May I received letters notifying Mr. Ellis' appointment, and some from Lord George Germaine of no moment. These are all that have yet reached me, and I anxiously await the arrival of my dispatch.

I send this by the route which brought yours, and shall send a duplicate of it by a small vessel that will sail for New York to-morrow. Persuaded it is unnecessary to offer any arguments to induce you to communicate to me whatever you shall think necessary for the king's service, I conclude by assuring you of the pleasure a frequent intercourse will always afford me, having the honor to be, with great regard, &c., &c., &c.,

FRED'K. HALDIMAND.

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<sup>1</sup>The instructions of the British Secretary of War to Sir Guy Carleton, as commander-in-chief of the British forces in America, were dated April 4, 1782. He was instructed to withdraw all the British troops from New York, Charleston, and Savannah, to Halifax; and thus, by disarming, attempt "to captivate the hearts and remove every suspicion of insincerity" from the United States. Thus England yielded to one indispensable condition precedent to a treaty of peace, required by congress June 17, 1778. — *Ante*, 14. The French Minister treated it as an attempt to procure a separate peace with America, thus severing her from France, and leaving England to turn all her energies against France. — *Life and Writings of Washington*, Vol. VIII, 296, note.

*Gen. Haldimand to Sir Guy Carleton.*

Major-General Riedesel has just informed me that the officers &c. of the Brunswick troops of the convention are exchanged since last November. I wish they had been sent by conveyance of the Pandora, as they are much wanted, particularly the public officers. Your Excellency will oblige me much by taking an early opportunity of sending them.

Two mills only remain on the Mohawk river, which entirely support the rebel troops in that quarter. The safety of the new posts at Oswego made it necessary to send two parties to endeavor to destroy them. These under two scouts to intercept the rebels and Indian scouts toward Albany and John's Townshipp are all that are employed from this quarter. They have orders not to commit any hostilities in the district of Vermont. I hope no bad effect will result from these measures, which the necessity of the service and the want of information have occasioned.

Indorsed: "General Haldimand to Sir Guy Carleton, 22d June, 1782. Received July 26th, 1782. No. 7."

*Gen. Haldimand to Sir Guy Carleton.*

DUPLICATE. [No. 2.]

QUEBEC, 23rd June, 1782.

*Sir*:—The enclosed is a duplicate of a letter in cypher which I yesterday had the honor to dispatch for your Excellency overland. The cypher is very tedious, but the frequent and fatal accidents which have befallen messengers in the neighborhood of Albany oblige me to take every precaution, and although your Excellency receiving this is a matter of great uncertainty, I am quite at ease with respect to its falling into the enemy's hands, as it will be in the possession of an approved loyalist who will not fail to send it if necessary.

Least the subject of an exchange of prisoners should happen to be agitated upon a general scale, I think it right to acquaint your Excellency that I have rigidly adhered through many applications to the system you adopted, of not entering into an exchange until the engagements at the Cedars and others should be faithfully accomplished by the enemy. I took occasion to *exclude the people of Vermont from this resolution*, hoping it might have a good effect, and have mutually exchanged many of their people for a fewer number of ours, and to gratify their sanguine request in favor of a young man of that district, but an officer in the continental troops, I permitted him to return with some of their prisoners.<sup>1</sup>

<sup>1</sup> March 9, 1782, the governor and council paroled a prisoner, "Terence, son of Dr. [George] Smith," to visit Canada.—*Council Journal*, 65.

I could have wished that arrivals from England had put it in my power to make this dispatch more interesting to your Excellency. There is no occurrence here that can, but I expect much from an easterly wind which has blown strong for about twenty-four hours and looks as if it would continue. In consequence of your Excellency's letter I have written to the several posts in my command to confine themselves entirely to defensive measures and hope these orders will arrive time enough to have effect. I have the honor to be with great esteem and regard, Sir, your Excellency's most obedient and most humble servant,

FRED'K HALDIMAND.

1782. Early in this month, Ira Allen was again sent to Canada, with a letter from gov. Chittenden to gen. Haldimand, requesting the release of two officers belonging to Vermont, who were then prisoners in Canada—a request which was granted.<sup>1</sup> This fact indicates that Ira Allen was the author of the following letter :

II. — *Copy of a letter from Mr. G. to His Excellency General Haldimand.*

QUEBEC, July 11th, 1782.

*Sir* :—I beg leave to submit to your Excellency's consideration the following observations founded on facts, vizt: It is reported and generally believed in the colonies, that governor Philip Skene had a charter for a government, and comprehending Vermont with the tract of country called the western union, between the west line of Vermont and Hudson's river, which charter if it could be procured would much facilitate the present negotiation, as it would enable near three thousand families, inhabitants in the western union, to join Vermont under the sanction of an act made in congress confirming all charters and government lines as established by order of his Britannic Majesty before the Declaration of Independence. This body of people will be of greater use in bringing about the wished for revolution, as they are mostly in favor of government, and if they should unite themselves to Vermont without the cloak of the aforesaid charter, or before your Excellency could protect them, they would fall a prey to the resentment of New York, assisted by the authority of congress. The governor and council however, are so fully convinced of the evil and ambitious designs of congress, and consequently of the necessity of re-uniting with Great Britain, as speedily as possible, that they are determined at all events no obstacles shall prevent their en-

<sup>1</sup> *Williams*, Vol. II, 211.

deavors to accomplish it. I would therefore in behalf of my employers propose, whether it be advisable for his Excellency to write to Governor Skene for this charter so much wanted.<sup>1</sup> In the interim, every possible exertion will be made to re-establish such private union between Vermont and the west claims, on such a footing that whenever it is found expedient and prudent they will be able to raise a considerable force to act in conjunction with the troops your Excellency shall send to protect them, and that nothing may be left undone which can promote the present negotiation, we will, if your Excellency thinks proper, immediately send a number of private agents into the New York and New England Provinces, to engage and send to settle in Vermont as many loyal subjects as possible, and likewise prepossess the principal men of the New England Provinces in favor of Vermont, by selling them tracts of land on its frontiers; and further if your Excellency thinks it advisable we will endeavor to raise a regiment or two of able bodied men from the other provinces, and station them in Vermont, under pretence of protecting the frontiers. In raising these men great care would be taken to enlist the most loyal, or at least moderate men, and none should be officers but such as have been known and tried friends to government, these to be commissioned in the name of the governor of Vermont by your Excellency's orders and the advice of such commissioners as your Excellency shall appoint for that purpose. Such regiments to be supported by the King, and to be always ready to act in or out of Vermont as your Excellency shall order.

Thus far I have not deviated from the principles of my employers, the ruling men of Vermont, but my fear lest something yet interferes to prevent our re-union with Great Britain induces me to propose to your Excellency an immediate recognition of Vermont under government by a secret treaty with them, to be signed and ratified by governor Chittenden, general Allen, and the council, declaring Vermont a British Province and engaging to use every prudent measure to promote His Majesty's government until your Excellency can protect them in a public declaration. Although I am not authorized to make the proposition, yet I am persuaded one of the same purport from your Excellency would be acceptable to the Governor and Legislative authority of Vermont.

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<sup>1</sup> A suggestion evidently intended to gain time, which Haldimand was as anxious for as was Allen. — See Haldimand's letter to Carleton, No. 3. *post*, 288. Allen and others undoubtedly *hoped* that such a charter had been made out for Skene, for they suggested it. Perhaps they "believed" it also; but they must also have believed that it was held in abeyance, by either Skene or the British government.

I am sent by governor Chittenden, general Allen and their privy council to negotiate a re-union, and privately authorized to engage in behalf of Vermont, that the authority and most of the populace in that state are desirous to become a British state on the conditions proffered by your Excellency. They have likewise promised to abide by any engagement I shall enter into for them, provided the same be kept a profound secret until the British government can protect and assist them, and provided they shall not be obliged to go out of Vermont to make war with the other states. They will receive the King's troops and garrisons, and will join them to oppose any troops or forces that shall invade Vermont to prevent her re-union with Britain. They have likewise promised never to take arms again in opposition to British government, nor to assist congress on any pretence whatever. I left the assembly convening for the purpose of procuring a vote in favor of government's neutrality until the former could be obtained and supported. They engaged to send a confidential person as soon as possible to the Loyal Blockhouse with a full account of their proceedings in the assembly.

I think Vermont contains about eight thousand men of all denominations including the west union, and that out of these two thousand may be raised for a standing militia. These with the assistance of four thousand British troops would probably be able to defend the frontier as far as the New City<sup>1</sup> in the summer season, but I don't think they could keep their ground in winter further south than Ticonderoga, except they were strongly garrisoned at the Half Moon Ferry, where I suppose six thousand men might with assistance of the inhabitants keep a good fort well supplied, and if the Vermonters had money they could nearly supply such a garrison with provisions till it could have relief from Ticonderoga, where I think it will always be necessary to keep a British garrison. The Vermonters would not assist in keeping a garrison at Albany because it is not of their state, nor do I think it would be good policy to take Albany till the re-union can be publicly acknowledged and supported. If the other colonies should invade Canada, Vermont will oppose their march through that state as far as possible, but they could not with safety take arms to stop their progress until supported by the King's troops and the re-union with Britain completed, nor could they consistently with the laws of self-preservation come to the defence of Canada and leave their own property, friends, and families defenceless and exposed to ruin.

Before I conclude I would beg to intimate to your Excellency that as soon as good policy will admit, there will be an absolute

<sup>1</sup> Lansingburgh.

necessity for some of the King's money in Vermont to enable us to carry into execution the foregoing plans or such of them as may meet with your Excellency's approbation, especially should your Excellency expect to procure provisions from us to support an expedition. We must not only have a small supply of money, but must have notice in time to purchase droves of cattle from the other states, which while it helps us will in proportion distress them.

I have the honor to be, &c., &c.,

Enclosure.

(Signed) \_\_\_\_\_

*Hostile Movements of Adherents to New York.*

The manner of Isaac Tichenor was very attractive and his persuasive power great, and these talents were faithfully used in the discharge of his delicate mission to Windham county, but by no means to the effect desired. Under the inspirations of the ardent Phelps, and the encouragement from gov. Clinton to resist, the adherents to New York had reached a violent stage. On the 10th of July, Charles Phelps wrote to gov. Clinton that the Vermont men in his region would not dare interfere with the adherents to New York, "if people do not come from Bennington county with weapons of terror to scare or frighten or fight us." That was a vision of "Old Ethan," and Phelps begged Clinton to ask for four field-pieces from gen. Washington, wherewith to frighten in turn the terrible men of Bennington.<sup>1</sup>

July 15. Further to encourage gov. Clinton, Daniel Shepardson wrote that some of the more northern towns would favor New York, provided assurance could be given of aid from head-quarters; and on the same day, the adherents to New York met at Guilford and adopted a petition, praying gov. Clinton to march the New York militia against Bennington county, in case the Vermonters there should march into Cumberland county.

July 24. The New York council of appointment was again summoned, and it completed a list of military appointments for Cumberland [Windham] county, and arranged for six companies in the towns of Brattleborough, Guilford, and Halifax.

<sup>1</sup> Gov. Clinton admitted, however, that Mr. Tichenor's efforts "in some degree defeated the effect which the pacific measures of our [New York] legislature would have had on them"—referring, doubtless, to the New York acts of April 14, 1782.—*Eastern Vermont*, 433, 434. *Early History*, 394, 471.



July 26. With these commissions, gov. Clinton sent a long letter, and under the circumstances one more prudent than some that had preceded it. He confessed that he could not stipulate positively that any body of troops would march for the defense of his friends, even should Vermont resort to compulsion. While he would not discourage them in opposition to Vermont, he did not much encourage them. He declared that he had no reason to believe that New York would ever relinquish her claim, nor did he think it probable that congress would decide in favor of Vermont, and he added—"but candor induces me to declare also, that there is little prospect of their deciding in favor of us." However favorable to Vermont certain reports to congress might have been represented by Mr. Tichenor to be, they "were introduced into congress, not in expectation that they ever would be adopted, but solely with a view to keep the spirit of defection alive, and to counteract the endeavors of that state [New York] for the re-establishment of its jurisdiction by pacific, conciliatory measures." He put his friends in Cumberland county on their "zeal and prudence."

The effect of this letter, on those to whom it was addressed, was rather to put aside all prudence, and leave only zeal, which soon ran into madness. On one occasion a party of adherents to New York met and pledged themselves to "disannul all the authority of Vermont," and oppose it "even to blood."<sup>1</sup>

*James Madison to Edmund Randolph.*<sup>2</sup>

July 16. Messrs. Montgomery and Root returned yesterday from their eastern deputation. \* \* \* Mr. M. adds that the current opinion is, that a vessel arrived at Quebec brings a royal charter for Vermont; that the people there are in much confusion, and many of them disposed to re-unite with New Hampshire. A letter from [to] Mr. Livingston, from Mr. Livermore, [of N. H.] corroborates this good news. It imports that a very important turn had taken place in the temper of the people, between the [Connecticut] river and the ridge, [of the Green mountains,] and they were petitioning New Hampshire to be restored to that state, and that measures would be taken in concert with New York for that purpose.

<sup>1</sup> *Eastern Vermont*, 434-438.    <sup>2</sup> *Madison Papers*, Vol. I, 151.

H. — *Gen. Haldimand to Sir Guy Carleton.*

[No. 3.]

QUEBEC, 28th July, 1782.

*Sir*:— Since my last of the 23rd ultimo, a duplicate of which is enclosed, I have been honored with your Excellency's letter of the 23rd of May, covering a duplicate of the former one and some Gazettes, for which I beg your Excellency to accept my thanks. Their interesting contents had arrived sometime before, by two small vessels from the West Indies, but until the receipt of your letter we had no idea that so formidable an attempt had been directed against us. It has been so happily and completely frustrated that it is scarcely probable it can be resumed this year.

A letter received from Lord Sherburne dated 22nd of February, cautions me against an armament then fitting out at Breast, and to be destined against New York, Halifax, and Canada, but more generally believed for the latter. I was instructed to station vessels below for the purpose of carrying to you immediate intelligence should a fleet appear, but not having any proper for that service, I communicated his Lordship's directions to the senior officer of the Royal Navy in the river. Two frigates are cruising in the gulf and three more (here for refreshment) will soon join them, besides the Newfoundland cruisers, who should and probably have orders at all times to give intelligence to New York, as much [more] time must be lost in sending up this river than to New York. But the season is so far advanced that I should think there is but little to apprehend from invasion this year.

I have intelligence from Albany that Mr. Washington has very lately revisited that place and the adjacent posts, and has given orders to fortify Schenectady and Saratoga, and to blockade Albany. The object of this visit I have not yet learned; probably it is from a jealousy of Vermont, having heard perhaps that all preparations were making in the province for some movement, for so beset are we with domestics and spies from the rebels, that every public occurrence is immediately conveyed to them. This brings me to the object of my letter.

The person said in my last to be expected from Vermont is arrived and has brought the strongest assurances from most of the leading men of their wishes to re-unite with the mother country. These have gained over to their views one half of the populace, and are doing all in their power to influence the remaining part. I have had many conversations with their agent, the substance of which is contained in his official letter to me. A copy of it and of E. A.'s letter I enclose for your Excellency's perusal, that you may see the real situation in which my negotiation with the people now stands, and make such use of it as you shall judge fit in

your general transactions. I have brought it to a very embarrassing crisis with regard to myself, (having urged the people to a declaration in favor of government, by a long series of persuasion and the strongest assurances of support and rewards, very recently renewed in a letter from my agents, of which a copy is enclosed,) in consequence of one I received last April from Lord Sackville, desiring that I would appear with a body of men upon the frontiers, and, sparing no expense, make the recovery of Vermont to the King's obedience the primary object of my attention.

Uninformed as I am of the intention of administration (except in general terms that they are pacific) I can no longer act with Vermont upon any certain grounds, until I receive instructions for that purpose, for which I have written to Lord Shelburne, whose answer from the lateness of the season I can only expect through your Excellency. In the meantime I shall amuse the messenger, who is very pressing for answer to his proposals, in the best way I can, and be very careful not to embark in any measure which may tend eventually to embarrass His Majesty's commissioners in the management of the important affairs with which they are entrusted.<sup>1</sup> On the one hand I shall not deceive these people into measures which it may cease to be my duty to support, nor on the other will I for their sakes throw any difficulties in the way of reconciliation or peace with the revolted colonies in general. I will nevertheless, as far as it will not interfere with the measures which may at present be agitating at New York, neglect nothing in my power to retain the people of Vermont in the same favorable disposition in which they are at present, convinced that the very best consequences must result to the safety of this province, from an union with that people, in case it should become the seat of war, an event which from concurring circumstances I think is not improbable. I shall therefore be extremely averse from everything which might diminish their confidence in me or destroy their hopes from the Royal clemency and protection, provided affairs should not take a favorable turn between the King's commissioners and the congress.

I should have done myself this pleasure some days ago, but wishing to be still more explicit, I have waited in expectation of another messenger from Vermont who is to bring the proceedings of the governor's council (composed of friends to government, two excepted,) convened when the last came away; but impatient to communicate to you the affairs thus far and be honored with your Excellency's sentiments thereon, I send a most careful and intelligent

<sup>1</sup>Tit for tat : — Haldimand and Allen were amusing each other.

man with an officer returning to Halifax. He will from thence forward by a first vessel to New York.

It is necessary to acquaint your Excellency, which I do with much concern, that a few days ago I had advice from Detroit that a party of Rangers and Indians had fallen in with the enemy on the 4th and 5th ultimo, as far advanced to destroy the Indian villages at St. Duskey. The rebels were near six thousand strong and were severely dealt with, having two hundred and fifty killed and wounded. A most unfortunate circumstance which attended this rencounter, though extremely bad in itself, will as usual be exaggerated. A colonel Crawford (who commanded) and two captains were tortured by the Indians in retaliation for a wanton and barbarous massacre of about eighty Moravian Indians, lately committed at Miskingum by the Virginians, wherein it is said Mr. Crawford and some of that very party were perpetrators. I hope my letter will arrive time enough to prevent any further mischief, though I am very fearful it will not stop here. This act of cruelty is to be the more regretted, as it awakens in the Indians that barbarity to prisoners which the unwearied efforts of His Majesty's Ministers had totally extinguished.

A letter from Major De Peyster says that a General Irwin is to take the route of Tuskarawas, a party of militia the Shawanese country, and Colonel Clarke the Wabash, with artillery. That this expedition, though given out as intended against the Indian villages, he is informed is in reality a concerted plan against Detroit, which Mr. Irwin brought with him from Congress. In consequence of this intelligence I have reinforced the upper country with about two hundred men.

Joseph Brant had left Oswego with a large scout toward the Mohawk river before my orders to desist from hostilities had arrived. I am in pain for the consequences, but as my letter must have arrived a very few days after his departure and that Indians are not very expeditious in their way to war, I am in hopes Major Ross would have been able to overtake him.

I have the honor to be, Sir, your most obedient and most humble servant,

FREDK. HALDIMAND.

*His Excellency, Sir Guy Carleton.*

Indorsed, "General Haldimand to Sir Guy Carleton, 28th July, 1782. No. 9." <sup>2</sup>

*Gen. Haldimand to Gov. Chittenden.* <sup>1</sup>

1782. You may rest assured that I shall give such orders,  
 Aug. 8. as will effectually prevent hostilities of any kind being exercised in the district of Vermont, until such times as a breach

<sup>1</sup>Williams, Vol. II, 212. *Hist. Coll.*, Vol. I, 466. <sup>2</sup>Probably No. 3.

on your part, or some general event, may make the contrary my duty. And you have my authority to promulgate, in such manner as you shall think fit, this my intention, to the people of the said district, that they may, without any apprehension, continue to encourage and promote the settlement and cultivation of that new country, to the interest and happiness of themselves and their posterity.<sup>1</sup>

H. — *Gen. Haldimand to Sir Guy Carleton.*

DUPLICATE.

QUEBEC, 28 Aug. 1782.

*Sir* :—The return of my messenger on the 18th instant, with your Excellency's dispatches of the 22nd of July, relieved me from much anxiety, having concluded from his long absence that he had fallen into the enemy's hands.

My letters of the 28th ultimo will fully communicate to your Excellency my situation with the people of Vermont, and the anxious suspense I must remain in until I can obtain instructions from home or intelligence from you, to direct my conduct with them. I sanguinely expected that pleasure by the last messenger, and am concerned to find that nothing of moment had occurred before his departure, and to perceive by your Excellency's letter and the messenger's observations in his way through that country, that the enemy seem rather disposed to continue the war than to listen to terms of accommodation. He says that since Mr. Washington's late tour, the friends of government, from Albany to Fishkill, have been forced to take the oath of allegiance to the States, or to abandon their settlements, in so much that six houses where he formerly was received were vacated or shut against him; that the populace seemed more awed than ever by Washington, and that he has issued an order to put all persons to death upon the spot who refuse taking arms instantly when called upon. This makes the communication between us more uncertain and difficult, and has induced me to send this letter by His Majesty's Ship *Pandora* to Spanish River, (where she goes to bring up some coal ships;) from thence the messenger will proceed to Halifax, and so to you.

My letter of the 29th of July, a triplicate of which I dispatched the 30th, would communicate to your Excellency my intention of

<sup>1</sup>To those who were not then apprized of the policy of England, such assurances as these would appear to be very gracious; but in fact Sir Guy Carleton had instructions to address America in the same terms, and Haldimand simply conformed to that policy in dealing with Vermont; and moreover it was a part of his own policy in respect to Vermont. — *Life and Writings of Washington*, vol. VIII, 297, note.

going to England this Fall or next Spring. Having since more maturely considered Lord Shelburne's letter, and one to which his Lordship refers me, that I received at Boston in 1775 from Lord Dartmouth, desiring that I would repair to England, I conceive it a duty to the public and myself not to defer it until the Spring, unless some unforeseen event should make it necessary. I have written to Lord Shelburne upon the subject, and from my desire of candour, and to give your Excellency every information that may be serviceable to you respecting this Province, I here enclose a copy of my letter, by which you will at once see the preparations I am making in consequence of my determination. I therefore hope, and must request, you will with the same confidence, impart to me as soon as possible, (and by duplicate,) any public matter that you think likely to militate for or against this resolution.

In consequence of instructions from the Minister, I have already permitted many prisoners to return to the neighboring colonies upon parole, and am collecting the remainder in order to send them under convoy of the Pandora to New York as soon as she returns with the colliers, as by that means it will be in your Excellency's power to liberate them, or not, as events may require.

By a letter from Lord Shelburne, I understand that it was probable your Excellency will call Lieut. Colonel Carleton to you as Quarter-Master-General, in consequence of which, thinking it will be agreeable both to your Excellency and to him, I offered him permission to leave this army, but he declined it until he could hear from you. If it is your Excellency's intention, I could wish it were done soon as possible, that Lieutenant-Colonel Hope, who will succeed him, might take charge of that Department before my departure. The Pandora will be a safe and convenient opportunity, and your Excellency's wishes, if sent off upon receipt of this, will arrive time enough for that occasion. The messenger prefers returning by land, which will probably be the shortest conveyance.

I have the honor to be with great esteem and respect, sir, your most obedient and most humble servant.

Indorsed :—“ Duplicate, General Haldimand to Sir Guy Carleton, 28th August, 1782. No. 13.”

H. — *General Haldimand to Sir Guy Carleton.*

1782. [No. 5.] DUPLICATE.  
Sept. 8.

QUEBEC, September 8th, 1782.

*Sir* :—Since my letter of the 28th of July upon the affairs of Vermont, a gentleman of influence and loyalty has arrived from thence, and has delivered the sentiments of the most respectable

men and major part of the people in the following sense, that sensible of the indulgence I had shown in forbearing to ravage their country, they sincerely wish a continuance of clemency; that they will readily agree to any measure I should recommend of the re-union, if it can be adopted so as not to expose them to the rage of the colonies, the said re-union to be ratified in the most solemn but secret manner, and under cloak of neutrality or suspension of hostilities, to be made public by me. This they think would draw thousands of their country. My last so fully expressed my embarrassed situation with this people that it is not necessary to add anything at present but to repeat my anxiety to hear from your Excellency, that I may regulate my conduct with them upon the principles mentioned in my last. I have wrote by this messenger to the governor and Allen, assuring them of protection and support from the king's government while they continue in their present sentiments, and that every act of hostility shall be cautiously avoided on my part until infringed on theirs, or that some public event shall make the contrary my duty, and I have left the governor to promulgate this declaration or not, as he shall judge fit.<sup>1</sup>

F. H.

I am anxious for the safety of my messenger, Davis.

*General Haldimand to Sir Guy Carleton.*

[No. 7.]

QUEBEC, Sep. 8th, 1782.

Sir:—I have just been honored with your Excellency's letter of the 3rd of August, forwarded by 19—3 48—22, under cover of one from him, communicating information and proposals he had made to New York through —, and transmitting a copy of a letter from that gentlemen, of which the following is a copy.

“I received your letter of the 25th of July. It was very satisfactory, and your designs are approved by the company, as you will be informed by . . . who both will say more than I can write by this opportunity. Orders now go for the supplies you want, and when you forward the orders write fully as you did to me, that they may be adequate to your intentions, for they can come to you more easily and certainly from that quarter than from hence.”

Mr. . . . strongly recommends providing a large sum of money, and opening a free trade from this Province with Ver-

<sup>1</sup>It has been seen that the governor promulgated only *a part* of this letter, to wit. that there should be no hostility. Gov. Chittenden was not prepared to announce the offered protection of the British government to Vermont.

mont, for purposes I need not enter upon as they are known to your Excellency. The impropriety of my complying with either unauthorized, will appear from the following extract of a letter from Lord Shelburne, strengthened by your Excellency's information that we are actually in treaty at Paris :

“ But in this and many other cases your own prudence will prove a better instruction than any I could give, and will enable you to seize advantages which may offer by open and honorable dealings, avoiding the least appearance of insidiousness.”

Your Excellency never having once touched upon the subject of Mr. . . . 's requisitions in a letter accompanying them and said to contain orders for that purpose, (which if you had approved you surely would have mentioned, knowing my embarrassment and regard for Vermont affairs,) makes me still more cautious, as Mr. . . . says a gentlemen will shortly come into this Province with fuller information, and to transact business, (which he doubts not he will obtain leave to do.) It is possible he may be the bearer of the order mentioned, but as accident may delay his arrival, and that no time shall be lost if it is your Excellency's wish to adopt Mr. . . . 's plan, and that I may execute it as proposed by him, I send off this messenger to request that you will be pleased to signify to me the Commissioners' authority<sup>1</sup> for so doing, and to what extent the requisitions are to be complied with.

Respecting the free trade with Vermont, it is necessary I should remark to your Excellency that at the very time Mr. . . . 's proposals were made, 5—19 57—1 strongly expressed their disapprobation of trade being opened, from a just apprehension that it would at once discover their inclinations to a re-union, and draw upon them the resentment of Congress before they could be in a situation to oppose it. He nevertheless approved the measure when ripe for execution.

I shall continue to supply . . . with money to defray the expense of procuring and forwarding intelligence to New York and this Province.

I have the honor to be, with great respect and regard, your Excellency's most obedient and most humble servant,

FRED'K. HALDIMAND.

*His Excellency, Sir Guy Carleton.*

Indorsed : — “ E. General Haldimand to Sir Guy Carleton, September 8th, 1782. No. 14.”

<sup>1</sup> Meaning the authority of the British Commissioners at New York.



*Enforcement of the Authority of Vermont in Windham County.*

Aug. 14. Gov. Chittenden sent Ira Allen to Guilford and Brattleborough, to watch the motions of the adherents to New York, with the purpose of ascertaining when it would be necessary to use the power conferred upon the governor to execute the act against conspiracies. Hardly had Col. Allen returned, when the occasion came.

Aug. 22. Jonathan Hunt, sheriff of Windham county, attempted to arrest Timothy Church of Brattleborough on an execution, when he was resisted by Church and his friends. Content to abide his time, Hunt retired, not at all displeased at the prospect.<sup>1</sup>

Aug. 29. Sheriff Hunt reported to gov. Chittenden that his attempt to execute the laws of the state had been foiled, and he asked a military force to assist him; whereupon a special session of the council was called.<sup>2</sup>

*Meeting of the Council at Manchester, August 29th, 1782.*<sup>3</sup>

STATE	}	IN COUNCIL, Manchester, Aug. 29th, 1782.
OF VERMONT.		

“AN ACT EMPOWERING THE GOVERNOR TO RAISE MEN TO ASSIST THE SHERIFFS.

*“Be it enacted and it is hereby enacted by the representatives of the freemen of the state of Vermont in general assembly met, and by the authority of the same :*

“That his Excellency the captain-general of this state be and hereby is empowered to order and direct any officer or officers in this state to raise any number of men in the same, and to march them to any part thereof, to assist the sheriffs in their respective counties in the due execution of their office. And that his Excellency be empowered to appoint and commission any person or persons with full power for all the intents and purposes aforesaid. And that his excellency call on the commissary-general to furnish the men, when so raised, with provisions as need may require; and for that purpose, that he grant a warrant to said commissary to levy by distress and take provisions, wherever it may be found, a sufficiency to supply said troops while in actual service for the purposes aforesaid.”

<sup>1</sup> *Eastern Vermont*, 438, 439.

<sup>2</sup> *Eastern Vermont*, 439. <sup>3</sup> *Council Journal*, 1781 to 1784, 10, 11.

"The preceding is a true copy of an act of the legislature of the state of Vermont passed yesterday.

"Attest, MICAH TOWNSHEND, Secy."

"Windsor, June 22, 1782."

IN COUNCIL: at the house of Mr. Elias Gilberts in Manchester, August 29th, 1782. The Council having met at this place, agreeable to request of his excellency the governor, and a quorum being present, the board proceeded to business.

The present situation of the county of Windham being taken under the due consideration of the board:

*Resolved*, that his excellency the governor be advised to raise one hundred and fifty men as volunteers within col. Ebenezer Walbridge's regiment, and one hundred within col. Ira Allen's regiment, for the purpose of assisting the civil authority of this state in carrying into execution the laws thereof in the said county of Windham.

*Resolved*, that his excellency the governor be also advised to appoint and commissionate B. Genl. ETHAN ALLEN to take the command of the said volunteers.

1782. *A Commission with Instructions to Brigadier General*  
Sept. 2. *Ethan Allen.*<sup>1</sup>

*To the Honl. Brigadier General* ETHAN ALLEN:

In pursuance of an act of the general assembly of this state at their session in the month of June last, entitled "an act empowering the governor to raise men to assist the sheriffs," by and with the advice of the council board of this state, met at Manchester on the 29th day of August last, which is as follows, viz. [here the last resolution above is inserted:] and reposing especial trust and confidence in your fidelity and good conduct, I do by these presents, in the name and by the authority of the freemen of the state of Vermont, fully authorize and empower you the said ETHAN ALLEN to act and transact the following matters for the purpose of assisting the civil authority in the due execution of the laws of this state for the suppression of the late and present tumultuous insurrections in the county of Windham:

*Firstly*.—You will proceed to raise, as volunteers, two hundred and fifty men, (one hundred and fifty of which in Col. Walbridge's and one hundred in Col. Allen's regiment of militia,) and see them equipped, with horses, arms, and accoutrements. Provisions and ammunition will be furnished by the Commissary-General.

<sup>1</sup> *Council Journal*, 13.

*Secondly.*—The men, when raised and thus equipped, you will march into the county of Windham, as a *posse comitatus*, for the assistance of the civil authority in said county of Windham as aforesaid, in pursuance of the trust reposed.

Given under my hand at Arlington this second day of September Annoque Domini 1782.

(Signed,) THOMAS CHITTENDEN, *Captain-General*.

By his excellency's command.

THOS. TOLMAN, *D. Sec'y*.

Attest, THOMAS TOLMAN, *D. Sec'y*.

Ethan Allen's movements with the *posse* were swift and effective. His men were gathered on the 8th September; on the 9th the whole party, mounted, marched into Windham county; on the 10th the principal offenders were seized; and by the 19th, these and other persons seized had been tried by the Vermont court, convicted, and sentenced: some to banishment and confiscation, and others to fines of various amounts. Thus the authority of Vermont in Windham county was firmly asserted.<sup>1</sup> These stirring days were rich in both tragic and comic scenes, which are well sketched by B. H. Hall, to whose work the reader is referred.<sup>2</sup>

#### AFFIDAVITS OF PERSONS SEIZED BY THE POSSE.<sup>3</sup>

##### *Deposition [Affidavit] of Joel Bigalow.*

*Duchess County, ss.*—Joel Bigalow of Guilford in the County of Cumberland in the State of New York, being duly sworn, deposeth that on Monday last a number of armed men under the command and directions of Ethan Allen came from the West side of the Green Mountains into several Towns on the East side of the said Mountains, and in a hostile and violent manner, and fired on and took and carried off prisoners a number of persons Inhabitants of certain towns on the East side of said Mountains, and who professed allegiance and subjection to this State of New York. That the said Party, so commanded by the said Ethan Allen, consisted as it is reported and as the deponent believes, of between two hundred and four hundred men, and took and carried off the said Prisoners in order that the said Prisoners might be proceeded against and punished under an act of the pretended State of Ver-

<sup>1</sup> *Early History*, 396, 397.   <sup>2</sup> *Eastern Vermont*, 440-455.

<sup>3</sup> *Ethan Allen Papers*, 379-388.

mont passed in July last and entitled "an Act for the punishment of conspiracies against the Peace, Liberty, and Independence of this State." That the said Prisoners to the number of about twenty, as the Deponent was informed and believes, were conveyed to and confined in the Gaol at Westminster in the said County of Cumberland. That for a day or two previous to the said Irruption, the Deponent was informed and believes, Guards were placed on the several roads leading from the West to the East side of the said Mountains who stopped and detained all Persons going from the West to the East side of the said Mountains to prevent any intelligence being given to the Inhabitants on the east side of the said Mountains of the said Irruption. That the Deponent, together with several others Inhabitants of the said Town of Guilford to number of about forty-six, assembled and determined to defend themselves against the said Party, and with that view fired on a detachment, being on horseback ; [it] retired some distance and dismounted and in the night marched to attack the Deponent and the others who were assembled with him, and as the Deponent has been informed and believes, the said Ethan Allen ordered the said detachment when they had so marched that they should give no quarter to any persons who should oppose them ; and that the said Ethan Allen, as the Deponent was informed by credible persons who had heard the said Ethan Allen, declared "That he would give no quarter to Man, Woman, or child who should oppose him, and that he would lay it as desolate as Sodom and Gomorrah." And the deponent further saith that as far as he knows and believes, the Inhabitants on the New Hampshire Grants who profess allegiance to this State of New York have not, from principle of obedience to the recommendations of Congress, in any instance made use of any force or violence to compel such of the Inhabitants on the said District who profess allegiance to the said pretended State of Vermont to renounce their allegiance or to submit to the Government or Authority of this State of New York, and that the said Inhabitants who so profess allegiance to this State of New York have not by an act of force or violence interrupted or prevented the exercise of any authority under the said pretended State of Vermont over such persons as profess allegiance to the said pretended State. And the deponent further saith that when he came from home on Wednesday he understood and believes that there were still on the east side of the said mountains detachments of the said Party and for the purpose of taking more prisoners or otherwise disturbing the public peace.

JOEL BIGALOW.

Sworn to this 15th day of September 1782 before me,

MELANCTON SMITH, *Justice of Peace.*

*Thomas Baker's and David Lamb's Affidavit.*—No. 4.<sup>1</sup>

HALIFAX, Sept. 9th, 1782.

We was taken prisoners here and carried to Guilford under a strong guard and orders was given to march, and the Yorkers fired upon a party; and there was a request made to Col. Ethan Allen that if any of his men were fired at and killed, for to kill as many of the Prisoners. What answer he gave we can't tell, but he gave general orders that if any party discovered themselves and fired upon them, to give no quarters, but kill them if they could. These were the orders that we marched under up to Westminster Gaol, and there [were] confined five days with a strong guard round the Gaol. Four of the prisoners came to trial [and] plead not guilty, viz. Timothy Church Col., William Shattuck First Major, Henry Evine [Evans] Second Major, Timothy Phelps high sheriff. Their sentence was to be in prison till the 4th of October and then to be banished out of the State and their Estates confiscated, and if they ever return back to suffer Death. And then there was five more that came to trial which had large fines; and then we was taken out of Gaol and marched to Marlborough for our trials and was fined; one of us was fined 7£ 15s 6, and the other of us 7£, which we had to give our obligations for; and we was prisoners 11 days' [in] which we had but four meals of victuals allowed us for the time. And further Ethan Allen said that he could go to Albany and be head monarch if he had but orders in three weeks, and he had a good mind to do it; and further Allen God damned Clinton over and over from time to time. The state's attorney further saith that we was deceived by Congress, we depended upon a decisive resolution from them, because that he talked with three of the members; they told him it was not Vermont's policy to come into union with the thirteen United States, and that they did determine not to have any thing to do with Congress, for they had strength enough to defend their State and policy enough to regulate their laws of the State.

Capt. THOMAS BAKER.

Ensign DAVID LAMB.

The evidence appeared before me and swore to the within written facts.

SAML. BIXBY, *Justice of Peace.*

Halifax, September the 22d, 1782.

*Copy of Majors Shattuck and Evans's [Affidavits] Depositions.*

*State of New York, ss.*—William Shattuck, of the County of Cumberland in the State of New York, esquire, being duly sworn

<sup>1</sup>This is the only affidavit numbered. There are four in the *Allen Papers*, which are here given in chronological order.

saith, that on the 9th day of September last he was taken at his own house in Halifax in the said County by a number of armed men under the command of a certain Walbridge, styling himself a Colonel under the usurped Government of Vermont, and carried to Guilford in said County, where he was delivered up to Ethan Allen, whom it appeared had the General direction of the Party : from whence the deponent, with several other persons who were also taken by the said party, were sent under the care of a strong guard to the common Gaol of the said County of [Cumberland at] Westminster ; that the deponent, a Timothy Charles, [Church,] Henry Evans, and Timothy Phelps, esquires, were confined in the said Goal for the space of twenty-five days, to wit from the said 9th day of September until the 4th day of October following. During his confinement a court was convened at Westminster aforesaid under the authority of the said usurped government of Vermont, before which he and the other three persons above mentioned were tried and convicted, they sentenced to be banished out of the said pretended State and their Estates to be seized and sold as forfeited, which sentences have since been carried into execution as to the banishment of their persons and the seizure and sale of their personal properties respectively. And the deponent has heard and believed that his lands and that of the other three persons above mentioned are now advertised and are to be sold in pursuance of the said sentence on the 25th day of this present month. That besides the deponent and the other three persons above mentioned, there were sixteen other persons taken and imprisoned by the said party under the direction of the said Ethan Allen, who were also tried by the said Court and sentenced to fines and other grievous punishments. The Deponent further saith that he and the other persons, so taken as aforesaid, were subjects of the State of New York and owed and professed allegiance to the government of the said State. That according to the best of his knowledge and belief, they had not, nor had either of them, from principles of obedience to the recommendations of Congress, made use of any force or violence to compel such of the Inhabitants on the District called the New Hampshire Grants who profess allegiance to the said usurped government to renounce their allegiance thereto or to submit to the Government or authority of the said State of New York, or by any act of force or violence interrupted or prevented the exercise of any authority under the said pretended State of Vermont over such persons as professed allegiance thereto. And this Deponent farther saith that the only charges exhibited against him and the other three persons above mentioned, who were tried by the said Court and sentenced to be banished as aforesaid, were for holding Commissions under the

State of New York and being committee-men, which the said Court termed conspiring and attempting an Insurrection, Invasion and Rebellion against the said pretended State. And the deponent also farther saith, that while he was a prisoner as aforesaid, Ethan Allen, in conversation with this Deponent, advised and endeavoured to persuade this Deponent to renounce his allegiance to the State of New York and join Vermont, and among other arguments made use of by the said Allen for this purpose, he told him that Congress had no right to pass any resolutions respecting Vermont to prohibit them from exercising authority over any persons within the District they claimed jurisdiction over; that they (Congress) never intended to enforce their resolutions on that subject; that the British never intended to wage war against Vermont; [that Vermont] had at first taken up arms against the British, but it was the sin of their Ignorance and that would be winked at; that if they (meaning, as the Deponent understood, those residing on the New Hampshire Grants who profess allegiance to the State of New York, and those who are subject to the said usurped Government of Vermont,) would be united, they might make independent fortunes, while the thirteen united States were quarrelling among themselves and becoming bankrupts; that Congress would be glad if they were to settle a neutrality with the enemy. That while the deponent was confined in Gaol as aforesaid, he was informed and believes that when Allen came out with the party who captured the Deponent and the other persons above mentioned, overtures were made by the Leaders of the usurped Government of Vermont to the British in Canada, to send parties against the frontiers of New York to call off the attention of the State from giving relief to the deponent and the other subjects of the said State who were captured by Allen in Cumberland County aforesaid. And further this Deponent saith not.

WILLIAM SHATTUCK.

Sworn before me this 4th Oct. 1782.

MELANCTON SMITH, *Justice of Peace.*

Henry Evans, Esqr., of the County of Cumberland, being sworn, deposeth and saith, that the whole of the foregoing deposition is the truth to his knowledge, except so much as relates to the conversation the aforesaid Ethan Allen had with William Shattuck, Esq., respecting the adherents [to] the said pretended State of Vermont having an opportunity of making Independent fortunes while the United States were quarrelling and become bankrupts, which he did not hear. And further this deponent saith not.

HENRY EVANS.

Sworn before me, 15th October 1782.

MELANCTON SMITH, *Justice of Peace.*

I certify the foregoing to be true copies of the originals filed in Governor Clinton's office.

ROBT. BENSON, *Secy.*

Sept. 16. Armed with the deposition of Bigelow, gov. Clinton wrote to both the president of Congress and the New York delegation in that body, making the most of the point against Vermont, by affirming that New York and its adherents had strictly adhered to the recommendation of Congress, to abstain from exercising any jurisdiction or authority over persons acknowledging allegiance to Vermont ; whereas Vermont had rigorously enforced its jurisdiction over persons professing allegiance to New York. In his private letter to the delegates, gov. Clinton said he felt hurt, that his repeated applications to congress for a decision of the controversy had been not only ineffectual but even unnoticed.

To Mr. Bigelow, gov. Clinton gave another letter, to be communicated to the adherents to New York in Vermont. He advised them to abstain from force except in self-defense, adding :

At the same time, should the government of the pretended state continue to hold the prisoners in confinement, I would then think it justifiable and advisable that attempts should be made for their release, and if this cannot be effected, then that an equal number of the insurgents should be taken and brought to this [Poughkeepsie] or any other place of security in the state, where they can be detained as hostages for the security and indemnity of the subjects of this state whom they have made prisoners of.

Sept. 20. The New York delegates in congress in reply to gov. Clinton wrote :

This new and unexpected violence offered in direct opposition to the recommendations of congress to those peaceable citizens who have always strictly adhered to the same, and the dangerous consequences which may ensue from such evil examples, will, we trust, induce congress immediately to interpose and exert their authority for the relief and protection of those unhappy people, our fellow-citizens, now made prisoners by a lawless power. Your Excellency may rest assured that we shall exert ourselves to the utmost for their relief, and that measures may be adopted for the further protection of the adherents to our state who reside in that district of country.

The substance of this letter was sent for the encouragement of the adherents to New York in Windham county, and sheriff Hunt



was warned of "the dangerous consequences" of his action. Mr. Hunt shortly after resigned, and Dr. Elkanah Day was appointed to the office.<sup>1</sup>

1782. The supposed advantage gained by the sharp discipline  
October. of Vermont, was now to be pressed vigorously upon New York by her adherents in Vermont, and by both upon congress. The four chief offenders against Vermont, under sentence of banishment, were released from prison on the 4th, taken across the line into New Hampshire by deputy-sheriff Samuel Avery, who warned them that they would incur the penalty of death if they ever returned to Vermont. These were Timothy Church, William Shattuck, Henry Evans, and Timothy Phelps, whose estates had been declared confiscate by the court. The committees of Brattleborough, Guilford, Halifax, and Marlborough met and set forth their version of the affair, which was presented by Shattuck and Evans to gov. Clinton on the 14th, and immediately sent by him to the New York delegates in congress, in the belief that they could not fail of making an impression not unfavorable to New York. In the meantime, Charles Phelps had escaped the *posse* and presented the grievances of his party to a committee of congress on the 8th. On the 10th he presented a petition to congress, asking for measures to secure the return of his property. On the 16th the committee made a report, stating the occurrences in Cumberland county. The report was accompanied by a substitute, and both resulted in still another report on the 23d, which recommended to the people of the Grants to abstain from all measures tending to disturbance. This was laid aside for further consideration. Shattuck and Evans appeared at Philadelphia, and on the 28th of October presented a petition, rehearsing the history of the difficulties; averring that fifty persons having families had been driven from their homes and were wandering about in the utmost distress, but who nevertheless refrained from retaliation; and asking for aid and the restoration of their property. Congress gave them no aid, and they, with Charles Phelps, were a charge upon the New York delegates.<sup>2</sup>

<sup>1</sup> *Eastern Vermont*, 457-460.    <sup>2</sup> *Same*, 460-468.

The most significant act of Congress at this time, which bore upon Vermont severely in fact though not nominally, was the acceptance, Oct. 29, of a cession of western territory from New York to the United States. On this act, Mr. Madison wrote to Edmund Pendleton, Nov. 5, 1782 :

Besides the effect which may be expected from the coalition [of sundry States] with New York, on territorial questions in Congress, it will, I surmise, prove very unfriendly to the pretensions of Vermont. Duane [of New York,] seems not unapprized of the advantage which New York has gained, and is already taking measures for a speedy vote on that question. Upon the whole, New York has, by a fortunate coincidence of circumstances, or by skillful management, or by both, succeeded in a very important object; by ceding a claim, which was tenable neither by force nor by right, she has acquired with Congress the merit of liberality, rendered the title to her reservation more respectable, and at least damped the ardor with which Vermont has been abetted.<sup>1</sup>

H. — *General Haldimand to Sir Guy Carleton.*

[No. 11.]

QUEBEC, October 10th, 1782.

*Sir*: — I received yesterday your Excellency's letter of the 25th of August, with a duplicate dated the 3rd of the same month, and a copy of the public letter written by your Excellency and Admiral Digby to General Washington the 2d of August.

I am concerned to learn that notwithstanding the overtures for the peace made on the part of Great Britain, and the expectation entertained at home of their success, so little disposition has been manifested by our Colonies in your quarter for that desirable end, which from accounts I daily receive is but too much the case upon the frontiers of this Province, for since my last communication to your Excellency of the affairs at St. Duskey under Captain Caldwell of the Rangers, he has been under the necessity of again attacking that determined band of adventurers who menace the destruction of the Indians in an attempt upon Detroit, and who have actually established and are strengthening a post at the falls of the Ohio. He however routed them completely, and killed about 150, amongst whom were the commandant and five or six field officers. The same letter informs that another party was on the march to St. Duskey, and Captain Caldwell was hurrying to meet it. The enemy likewise very jealous of Oswego, and by a letter which I yesterday received from Major Ross, scouts have

<sup>1</sup> *Madison Papers*, vol. I, 470.

approached so near the fort as to be perceived by his sentries. *They likewise advance upon Lake Champlain* to the waterside, a temerity unknown until our scouting parties and Indians had been withdrawn.

I am, with highest regard your Excellency's most obt. and most hbl. servt.,

FRED'K. HALDIMAND.

*His Excellency, Sir Guy Carleton.*

H. — *General Haldimand to Sir Guy Carleton.*

[No. 12.]

QUEBEC, 10th October, 1782.

*Sir* : — In a former letter I acquainted your Excellency that I had ordered the prisoners at the different posts in this province to be collected, for the purpose of exchange, in consequence of instructions from home. I also observed to you that I had hitherto rejected all overtures for an exchange of prisoners, (*except with Vermont,*) upon the ground your Excellency had declined them. I embrace this favorable opportunity of sending all in this neighborhood, fifty-four in number, to New York, and leave it to your Excellency to dispose of them as you may see fit. The commissary of prisoners has transmitted a return and particulars of them to Mr. Loring. I hope to be able to send another party by the last division of transports, or perhaps by way of Lake Champlain. I hope this exchange will furnish an opportunity to recover an equal number of the Brunswick troops of convention. I am with the highest regard, your Excellency's most obedient and most humble servant,

FREDERICK HALDIMAND.

*His Excellency, Sir Guy Carleton.*

H. — *General Haldimand to Sir Guy Carleton.*

[No. 15.]

QUEBEC, October 21st, 1782.

*Sir* : — Two days ago I received your letter of the 9th of September and duplicate of the 6th in cypher.

Your Excellency not having mentioned the name of the person who claims two hundred guineas for forwarding dispatches, &c., and no good claim having been made here, I am at a loss to know who he is or whether the services he mentions have been performed or not. Except when I can find a person to go through from this place to New York, it is not in my power to determine the expense of dispatches to pass through so many hands. From St. Johns they are forwarded to friends upon the frontiers, thence to Albany or Connecticut, and so on until they reach New York. There is but the channel 19-3 48-22 that is at all regular. He has received from me £208 to defray contingent expenses. Small

sums have been sent from time to time to Albany and the frontiers as gratuities to those whom he actually employed with promises of future rewards in proportion to that service.

When a messenger comes or goes through between New York and this place, I should think it inconvenient to carry, and in the characters they are obliged to assume, in case of falling into the hands of the enemy, unsafe to have upon them the sum necessary to defray the expense going and returning, in which cases should your Excellency think fit, I would propose advancing the money for the journey where the messenger is sent from and the same for his return, when dispatched with an answer, leaving the gratuities to be paid by the employer, and always expressing on the dispatch the sum advanced upon account.

I have the honor to be with the highest regard. Sir, your Excellency's most obedient and most humble servant,

FRED. HALDIMAND.

*His Excellency, Sir Guy Carleton.*

Indorsed: "No. 15, General Haldimand to Sir Guy Carleton. Received 25th November, 1782, by the Astrea, No. 27."

*General Assembly — October Session, 1782.*

IN JOINT ASSEMBLY: Oct. 17. Upon motion of genl. Enos,

*Resolved*, that it is expedient to choose persons to attend congress to transact the business of this state, if necessary. Whereupon made choice of Moses Robinson, Paul Spooner, Ira Allen, Jonas Fay, esquires.

A committee on the 18th reported the following instructions to the agents to congress:

The said agents or any two of them with powers as plenipotentiaries to negotiate the admission of the state into the federal union of the United States, and to agree upon and ratify terms of confederation and perpetual union with them in behalf of this state whenever opportunity shall present therefor; and that his excellency the governor be requested to commissionate them accordingly.

The aforesaid committee likewise brought in the following private instructions to the Honl. Moses Robinson, Paul Spooner, Ira Allen, and Jonas Fay, esqrs., agents elected to negotiate the admission of the state of Vermont into the confederation of the United States:

GENTLEMEN: You will, any two of you, when you shall be directed by the governor and council, repair to the American congress; and are to consider yourselves as plenipotentiaries invested with full powers to agree on terms upon which this state shall come

into union with the United States of North America, and in case of such agreement in behalf of this state, to sign and ratify articles of federal union with the United States: *but you will make it a condition not on any account to be dispensed with, that this state be admitted free from arrears of the continental debt already accrued, this state discharging its own debts. And if this should be rejected by those with whom you are to treat, you will endeavor to obtain the conditions on which this state may be admitted, and lay the same as soon as may be before your constituents.*

TIMOTHY BROWNSON, *Chairman.*

The aforesaid instructions were read and agreed to by the committee [of the whole] and ordered to be reported to the house.

On motion made by Mr. Tichenor, *Resolved*, that col. Allen, Mr. Tichenor, Mr. Chipman, and judge Robinson be a committee to draw a letter to his excellency the president of congress, acquainting him with the measures taken by this state respecting the late disturbances in Windham county.

The committee [of the whole] then dissolved.

Attest,

MICAH TOWNSHEND, *Clerk.*

IN ASSEMBLY, [House of Representatives,] Oct. 21: that part of the report of the committee of the whole giving instructions to the agents to congress was read twice and approved of by the house. And the yeas and nays being required by Mr. A. Curtiss on *that part of the report investing them with plenipotentary powers*, they stand as follows, [names omitted:] yeas 37, nays 15; so it was carried in the affirmative.<sup>1</sup>

The inferences from this record are, that on the 18th both council and house adopted *the entire report* in joint assembly, as a committee of the whole; and that on the 21st the house agreed to the *private instructions* [in Italic above] without a division, and the remainder on a yea and nay vote. The fact must be considered, however, that the journal of the council does not contain the *private instructions*. Whether the council non-concurred in them, or suffered them to stand, as advisory only, on the vote of the committee of the whole, or concurred in them without a public record, is doubtful. The old journals of both houses are by no means so full and clear as those of modern times, and the fact of omissions is sometimes noticed in them.

Oct. 22: *Resolved*, that the pay-master of this state's troops be dismissed from his said office as soon as he shall have complet-

<sup>1</sup> *Assembly Journal*, 1778-1784, 437-439.

ed adjusting the accounts of the officers and soldiers in service the last campaign.

*Resolved*, that his excellency the governor be requested to discharge all the troops in the service of this state except one sergeant, one corporal, and eleven privates, to be taken out of those who are enlisted and paid until the 15th of December next.

Oct. 24: *Resolved*, that the present sheriff of the county of Windham be and is hereby directed to make sales of the estates in said county lately confiscated to the use of this state, agreeable to an execution from the honl. superior court directed to the late sheriff. That he accept for pay, due-bills, pay-table orders, or hard money. That the said sheriff be and is hereby further directed to proceed as soon as may be to the sale of so much of the estates of those persons that were indicted by the grand jurors of said county [as is necessary] to pay the expense of the *posse comitatus*. That the sheriff take the advice of the principal men of the county and endeavor to levy such expense in proportion to the crimes and abilities of such delinquents, and that he receive and pay out due-bills, pay-table orders, or hard money.

*Resolved*, that the commissary-general of this state be dismissed from his office as such, after having completed a settlement of his accounts.<sup>1</sup>

*James Madison to Edmund Pendleton.*<sup>2</sup>— [Extract.]

Oct. 29. Some intelligence has been received [at Philadelphia] from the frontiers of New York which revives the apprehensions of further inroads from Canada, and co-operation on the part of the Vermonters. The tenor of [Sir Guy] Carleton's letter to gen. Washington on this subject, and other circumstances, render this article [of intelligence] extremely doubtful.<sup>3</sup>

<sup>1</sup> *Assembly Journal*, 1778-1784, 441, 444, 451.

<sup>2</sup> *Madison Papers*, Vol. I, 184.

<sup>3</sup> The absurdity of this mischievous rumor appears from the fact that Vermont had disbanded its militia. Carleton was about to evacuate southern and take his Indians from western New York, of which Washington and Clinton both had notice. Washington in consequence was withdrawing the continental troops from the north; and even gov. Clinton, Oct. 20, wrote to Washington, candidly confessing that "nothing extraordinary is to be apprehended from the late accounts we have had of the collection of the enemy's forces at Isle-aux-Noix and Oswego." This story, of Vermont's co-operation, was doubtless designed to prejudice congress against her.

1782. The committee of Congress made their report on the  
Nov. 14. difficulties in Windham county :

That the measures complained of were probably occasioned by the state of New York having lately issued commissions, both civil and military, to persons resident in the district called Vermont.

*Resolved*, that it be recommended to the state of New York to revoke all commissions, either civil or military, which have been issued by the said state since the month of May last, to persons residing in the district called Vermont, as described in the resolves of the 7th and 20th of August, 1781.

That it be recommended to the persons exercising the powers of government within the said district, to make full and ample satisfaction to Charles Phelps, William Shattuck, and Henry Evans, and to all others in a similar predicament, for the damages which they have sustained in person and property, in consequence of the measures taken against them in the said district, and to suffer them to return to their habitations, and to remain unmolested in the district aforesaid.

That it be recommended to the state of New York, and to the persons exercising the powers of government within the district aforesaid, to adhere to the recommendations of congress contained in their resolve of September 24, 1779,<sup>1</sup> until a decision shall be had by congress on the subject referred to them by the said state of New York and the said district of Vermont.

Several votes were taken, indicating the dissatisfaction of a majority of congress with this report, and the question was not disposed of.<sup>2</sup>

Mr. Madison thus noted the day's debate :

The report, which ascribed the evils prevalent in that district to a late act of New York which violated the recommendation of congress of 1779, was generally admitted to be unjust and unfair, as Vermont had uniformly disregarded the recommendation. Mr. Howell [of Rhode Island] was the only member who openly supported it. The New York delegates denied there had been any violation on their part. The temper of congress on this occasion, as the yeas and nays show, was less favorable to Vermont than on any preceding one—the effect probably of the territorial cession of New York to the United States.<sup>3</sup>

<sup>1</sup> *Ante*, 29. *State Papers*, 110.

<sup>2</sup> *Williams*, Vol. II, 246. *Eastern Vermont*, 467, 468. *Early Hist.*, 412.

<sup>3</sup> *Madison Papers*, Vol. I, 198.

Nov. 25. A letter was read from the lieutenant-governor of Rhode Island, containing evidence that some of the leaders in Vermont, and particularly Luke Nolton [Knowlton,] who had been deputed in 1780 to congress as an agent for that party opposed to its independence, but who had since changed sides, had been intriguing with the enemy in New York. The letter was committed.<sup>1</sup>

Debate, Nov. 27, on report of committee on Knowlton's case. The question of sending a military force to Vermont attended to, and a counter proposition was to notify the authorities of Vermont, &c. In the course of the debate, Mr. Clark informed congress that the delegates of New Jersey could not vote for any act which might oppose force to the authority of Vermont, the legislature of that state having so construed the resolutions of 7th and 20th of August as to be incompatible therewith, and accordingly instructed their delegates.<sup>2</sup>

Report mentioned November 14, in regard to Vermont, called up by Mr. McKean [of Delaware] and postponed on his motion, to make way for a set of resolutions declaring that, as Vermont in contempt of the authority of congress and their recommendations of 1779, exercised jurisdiction over sundry persons professing allegiance to the state of New York, banishing them and stripping them of their possessions, the former be required to make restitution, &c.; and that, in case of refusal or neglect, congress will enforce the same. This proceeding seems to have been on the application of Phelps and others, exiles from Vermont. Mr. Clark of New Jersey and Mr. Howell of Rhode Island were opposed to force. Mr. Carroll [Daniel Carroll of Maryland,] on this occasion informed congress he had changed his opinion in regard to Vermont, under the belief that "the governing party in Vermont were perfidiously devoted to British interests"—referred to gen. Whipple of N. H. as confirming that view. The proceedings on this subject evinced still more the conciliatory effect of the territorial cession of New York on several states, and the effect of the scheme of an ultra-montane state within Pennsylvania, on that state. The only states in congress which stood by Vermont, were Rhode Island, which is supposed to be interested in lands in Vermont, and New Jersey, whose delegates were under instructions.<sup>3</sup>

<sup>1</sup> *Madison Papers*, Vol. 1, 206.

<sup>2</sup> *Same*, 209-212. For instructions of New Jersey in full, adopted Nov. 1, 1782, see *Early History*, 504.

<sup>3</sup> *Madison Papers*, Vol. 1, 214, 215.



Dec. 5. Resolutions moved by Mr. McKean on the 27th of Nov. [3d of Dec.] taken up, seconded by Mr. Hamilton, [of New York.] The resolutions were objected to chiefly by the Rhode Island delegates, who urged that Vermont had complied with the resolutions of Aug. 7 and 20, 1781, and therefore [was] entitled by the assent of Congress to independence. Seven states voted for the resolutions, Rhode Island and New Jersey in the negative.<sup>1</sup>

The following are the resolutions of Congress, Déc. 5, 1782 :

Whereas, it appears to Congress, by authentic documents, that the people inhabiting the district of country on the west side of Connecticut river, commonly called the New-Hampshire Grants, and claiming to be an independent state, in contempt of the authority of Congress, and in direct violation of their resolutions of the 24th of September, 1779, and of the 2d of June, 1780,<sup>2</sup> did, in the month of September last, proceed to exercise jurisdiction over the persons and properties of sundry inhabitants of the said district, professing themselves to be subjects of, and to owe allegiance to the state of New-York, by means whereof divers of them have been condemned to banishment, not to return on pain of death, and confiscation of estate, and others have been fined in large sums and otherwise deprived of property : therefore,

*Resolved*, That the said acts and proceedings of the said people, being highly derogatory to the authority of the United States, and dangerous to the confederacy, require the immediate and decided interposition of Congress, for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until a decision shall be had of the controversy, relative to the jurisdiction of the same :

That the people inhabiting the said district, claiming to be independent, be, and they are hereby required, without delay, to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck, and such others as have been condemned to banishment and confiscation of estate, or have otherwise been deprived of property since the first day of September last, for the damages they have sustained by the acts and proceedings aforesaid ; and that they be not molested in their persons or properties, on their return to their habitations in the said district :

That the United States will take effectual measures to enforce a compliance with the aforesaid resolutions, in case the same shall be disobeyed by the people of the said district :

That no persons holding commissions under the state of New-

<sup>1</sup> *Madison Papers*, Vol. I, 220.    <sup>2</sup> *State Papers*, 110, 117.

York, or under the people of the said district claiming to be independent, exercise any authority over the persons and properties of any inhabitants of said district, contrary to the forementioned resolutions of the 24th of September, 1779, and the 2d of June, 1780.

That a copy of the foregoing resolutions be transmitted to Thomas Chittenden, Esq., of Bennington, in the district aforesaid, to be communicated to the people thereof.

These resolutions were adopted by the votes of New York and New Hampshire, in violation of the very resolutions of Sept. 24, 1779, which it was now proposed to enforce upon Vermont by military power. The third of the resolutions here referred to provided that, on the question of Vermont's jurisdiction, "neither of the said states [claiming adverse to Vermont] shall vote on any question relative to the decision thereof."<sup>1</sup>

Dec. 10. Mr. Ramsay [of South Carolina] moved that the secretary of war, who was about to visit his family in Massachusetts, should take Vermont in his way and deliver the resolutions of the 5th to Mr. Chittenden—rejected. Mr. Gilman [John Taylor Gilman of New Hampshire] moved that a day be assigned for determining finally the affair of Vermont. The opposition made to the motion by Rhode Island, and the disagreement as to the day among the friends of the motion, prevented a decision, and it was suffered to lie over.<sup>2</sup>

Dec. 11. Mr. Wilson [of Pennsylvania] made a motion, referring the transmission of the resolutions concerning Vermont, to the secretary of war in such words as left him an option of being the bearer without the avowed sanction of congress. The votes of Virginia and New York negatived it. The president [Elias Boudinot of New Jersey] informed congress that he should send the resolutions to the commander-in-chief to be forwarded.<sup>3</sup>

Dec. 17, Vermont was again on the tapis in congress. Its only advocates were Rhode Island and New Jersey—the first interested, said Mr. Madison, and the last bound by instructions. Mr. Tichenor had arrived, probably on account of the turn in congress unfavorable to Vermont.<sup>4</sup>

A letter was received, Jan. 15, 1783, from general Washington, enclosing a certificate from Mr. Chittenden of Vermont, ack-

<sup>1</sup> *Vt. State Papers*, 112. *Early History*, 414–417.

<sup>2</sup> *Madison Papers*, Vol. I, 228. <sup>3</sup> *Same*, 229. <sup>4</sup> *Same*, 489.

nowledging the receipt of the communication which general Washington had sent him, of the proceedings of congress of the 5th December.<sup>1</sup>

*Insurrection in Windham County.*

The resolutions of congress of the 5th December were communicated, by a letter of gov. Clinton dated the 23d, to the committees of the four towns in Windham county most opposed to Vermont. He advised his civil and military officers in Vermont to restrict themselves in the exercise of their official authority to persons owning allegiance to New York; and also that Church, Phelps, Evans, and Shattuck should make up accounts of their losses and present them to gov. Chittenden. Trusting that the mass of the people of the county would return to the jurisdiction of New York, he assured protection to their property under the acts of April 1781, or new acts if necessary, and exhorted them to be watchful of the conduct of those who are disaffected to the liberties of America.<sup>2</sup>

Evans, Church, and Shattuck had returned, the latter reaching home on the 15th of December, to find Vermont proceeding against a neighbor, Daniel Shepardson. Shattuck and friends agreed on the 17th to protect Shepardson, but on the 18th learned that Vermont had re-arrested col. Church, who was then subject to the death penalty of the conspiracy act. Shattuck then changed his plan, raised two companies, and attempted to arrest and hold col. Benjamin Carpenter, former lieutenant-governor of Vermont, as a hostage for Church. Failing in that, he did seize, on the 20th, John Bridgman, one of the Vermont judges of the county court. On the 21st, Bridgman was released on parole, to visit gov. Chittenden and endeavor to procure the release of col. Church. These movements stirred up col. John Sergeant of the Vermont militia to bring out a force to suppress the new insurrection, but nothing came of it but a truce, until Feb. 1, 1783, on condition either that Bridgman should report himself as prisoner to the New York force, or col. Church be released, by the 2d of January. Gov.

<sup>1</sup> *Madison Papers*, Vol. I, 263.

<sup>2</sup> *Eastern Vermont*, 472-474.

Chittenden would not release Church, and Bridgman returned, when his parole was extended during the pleasure of gov. Clinton.

On being informed by Stephen R. Bradley of the arrest of col. Church, gov. Chittenden indicated his firm purpose to maintain the authority of Vermont against all opposition, by the following reply :

Dec. 24. I received your letter with the prisoner, and approve of your conduct. Have sent to Col. Robinson to call the superior court immediately for his trial, and I hope and trust justice will be done him. I have sent twelve pounds powder agreeable to your request. As to sending or ordering a standing force to Guilford, I had rather hang them [the Yorkers] one by one, until they are all extirpated from the face of the earth. However, I wait for the return of the officers that commanded the *posse* (which will soon be) to send orders to the sheriff to collect the fines and cost, when, if they continue obstinate, a force must accompany the sheriff sufficient to silence them. I am not without hopes that the consequences of Church's trial will have some good effect on his connections.

Dec. 28. Col. Church addressed a petition to the people of Vermont, pleading that his affection for his family, and not contempt for the authority of the state, had induced him to return to Vermont ; confessing that he had once taken the freeman's oath prescribed by Vermont, and had subsequently opposed the government ; and, though studiously refraining from any acknowledgment of wrong-doing, he prayed for pardon and forgiveness and re-admittance to freedom and privileges. Such a petition hardly commended him to favor. Jan. 17th, the Guilford committee wrote that Church would be hanged ; and Feb. 6, gov. Clinton himself informed a New York delegate in congress, that Vermont had not and would not comply with the late resolutions of that body ; and that they [the Vermonters] asserted that, notwithstanding the threat of congress, no coercive measures would be pursued against them. Still he had assurances from the Guilford committee that the majority of the people on the east side of the mountain would renounce Vermont if congress would protect them. On the 19th of January major Evans [then at home unmolested] wrote : " I am credibly informed that the Vermont author-

ity over the mountain holds congress and all their resolves in scorn and contempt. The Vermonters on this [east] side the mountain say they will adhere to congress, though they should renounce Vermont.”<sup>1</sup> Thus far gov. Chittenden was as firm against congress as he had been against the adherents to New York in Windham county ; so far Evans was right.

1783. IN COUNCIL: *Ordered*, that Col. Ira Allen and Thom-  
Jan. 10. as Tolman, esqr., prepare and complete the draught of a remonstrance or letter to the President of the honl. Congress, and lay the same before his excellency the Governor for his approbation and signature.<sup>2</sup>

This remonstrance, thus ordered on the 10th, probably had been previously prepared, as it was dated as of the 9th January. It was as follows :

*Gov. Chittenden to the President of Congress.*<sup>3</sup>

BENNINGTON, January 9, 1783.

*To his Excellency the President of Congress :*

*Sir* :—Your Excellency’s letter of the 11th ult. inclosing an act of Congress of the 5th of December last, I have duly received, and have this day laid the same before the Council of this State, who agree in the opinion, that the interference of Congress to controul the internal police and government of this State, is a matter too serious and extensive in its nature, to be determined without consulting the Legislative Authority of the State, whose adjourned session is to be attended on the second Thursday of February next ; at which time, I shall lay the same before them, and, as soon as may be, communicate to your Excellency their determinations on the premises. And, in the mean time, beg leave to lay before Congress the following remonstrance against their said Act, which is founded *partly* on a mutual agreement between Congress on the one part, and the State of Vermont on the other, that the latter should have been taken into the fœderal union of the United States, previous to the date of the passing of the said Act ; and *partly* on the impropriety of the claim of Congress to interfere in the internal government of this State. And,

1st. Congress is reminded of their solemn engagements to this State, in their public acts of the 7th and 21st of August, 1781,

<sup>1</sup> *Eastern Vermont*, 477–481.

<sup>2</sup> *Council Journal*, 1781 to 1784, 31.

<sup>3</sup> *State Papers*, 178–185.

which were officially transmitted to the Legislature of this State, and are in the words following :

[Here follow the resolutions of Congress of August 7th and 20th, 1781, *ante* 157, 167.]

Confiding in *the faith and honor of Congress* in the foregoing resolutions, and, in consequence of advice received in a letter from his Excellency General Washington, dated the 1st of January, 1782, which was publicly read and on which *great confidence* was placed, in which he says, “It is not my business, neither do I think it necessary, now to discuss the origin of the right of a number of inhabitants to that tract of country, formerly distinguished by the name of the New-Hampshire Grants, and now known by that of Vermont. I will take it for granted, that their right was good, because Congress, by their resolve of the 7th of August implies it, and by that of the 21st are willing fully to confirm it, provided the new State is confined to certain described bounds. It appears, therefore, to me, that the dispute of boundary is the only one that exists, and that, that being removed, all further difficulties would be removed also, and the matter terminated to the satisfaction of all parties.” His Excellency the General further observes : “You have nothing to do, but withdraw your jurisdiction to the confines of your old limits, and obtain an acknowledgment of independence and sovereignty, under the resolve of the 21st of August, for so much territory as does not interfere with the ancient established bounds of New-York, New-Hampshire, and Massachusetts. I persuade myself, you will see and acquiesce in the reason, the justice, and, indeed, necessity of such a decision.”

The Legislature of this State were induced to comply with *the indispensable preliminary* required of them, in the last recited act of Congress, as appears by the following, which is an extract of their proceedings.

[His Excellency here recites the resolution of the Legislature of Vermont, on the 23d of February, 1782, by which the eastern and western unions were dissolved, and the proceedings of Congress, thereon, of the 17th of April following: *ante* 245, 248, 259.]

By the last mentioned motions, and the manner in which Congress left the matter, the Agents and Delegates, in behalf of this State, officially delivered to his Excellency, then President of Congress, a letter, of which the following is a copy.

[For this letter, see *ante* 261.]

In consequence of this procrastination of Congress, the Agents of Vermont returned, and reported the aforesaid proceedings to the Legislature of this State. And in October last, the said Legislature again appointed Agents, with full powers and instructions,

for the purpose of meeting Congress upon terms and articles of an admission of this State into the fœderal union, not conceiving that Congress would have departed from their agreement before recited ; but supposing their hitherto declining to execute it might have been owing to a stretch of policy incomprehensible to this government.

This being the confident disposition of the inhabitants of this State towards Congress, and a recognition of their independence and sovereignty, and admission into the fœderal union, being thus secured by the promise and engagement of the United States, they could not, in this situation, be otherwise than alarmed, on receiving an act of Congress in the following words :

[For this act of Congress, see *ante* 311.]

From the before recited resolutions of Congress, the journals of the Legislature of this State, and the after transactions between the United States in Congress assembled and the Agents or Delegates from this State, the following inferences are deduced, to wit: the last mentioned resolutions of Congress of the 5th of December, 1782, are altogether predicated on other resolutions of theirs, of the 24th of September, 1779, and 2d of June, 1780,<sup>1</sup> which prescribed to this State, in part, a desisting from the exercise of civil government ; in which intermediate space of time, between the passing of the said resolutions of the 24th of September, 1779, and 2d of June, 1780, and those of the 5th of December, 1782, a confederation or fœderal Union between the United States, represented in Congress, and the Legislature of this State, had been mutually agreed upon between them ; which agreement absolutely nullified the force and validity of those resolutions of Congress of the 24th of September, 1779, and 2d of June, 1780, on the supposition that they were originally binding on this government (which is by no means admitted.) And inasmuch as the said last resolutions of Congress on the 5th day of December, 1782, are essentially founded on those antecedent resolutions of theirs, of 1779, and 1780, which were disannulled by the same authority that resolved them, in consequence of a subsequent mutual agreement of a fœderal union between the United States and this State, as aforesaid, and necessarily invalidates the last resolutions of Congress of the 5th of December, 1782 ; for they cannot be of any more validity than those other resolutions of 1779, and 1780, on which they were predicated ; for, the before recited preliminary agreement, proposed on the part of Congress, of a fœderal union of the United States with this, and in the fullest and most explicit manner, acceded to, on the part of this

<sup>1</sup> *Ante*, 29, 31. *State Papers*, 110, 117.

State, is something or nothing. If it amounts to anything, it supercedes and invalidates all antecedent and subsequent resolutions of Congress, respecting this State, and renders them nugatory, and is still binding on the part of Congress; but if such solemn agreements are nothing, all faith, trust, or confidence in the transactions of public bodies, is at an end. So certain as the plighted faith of Congress, in their said stipulated agreement with this State, was originally binding on them, the obligation still remains the same, which, of necessary consequence, invalidates all other resolutions of Congress respecting this State, until it is ratified by an admittance of this state into the confederation of the United States, on their part.

I have argued thus far on Congress' own principles; and proceed, next, to the second part of the argument, predicated on the impropriety of the pretensions of Congress to controul the internal police of this State. Congress will not (it is presumed) pretend to unlimited power, or to any other than what has been delegated to them from the United States; nor will they pretend that their articles of confederation will warrant them in interfering with, or controuling, the internal police of the United States; whence, then, did they obtain a rightful prerogative over the internal police of this State, from which they have never received any delegated power? This State, (on revolution principles,) has as good a right to independence as Congress, and has an equal right, (or rather no right,) to pass resolutions prescribing measures to Congress, as Congress has to prescribe to this State, to receive their banished, and make restitution to them and other criminals, of the property, which, by legal process, has been taken from them, for their enormities heretofore committed against the laws and authority of this State.

Formerly it has been argued by Congress, and that justly, "that if Great Britain had a right to tax the" (then) "American Colonists, as they pleased, without representation, the Colonists could not call any part of their cash their own, since it might be taxed from them without their consent." The same argument will apply against the right of Congress, to controul the civil authority of this State; for, if they may, in one instance, do it, they may in another, and so on, till they suppress the whole. But should they endeavor to frustrate the independence of this State, which has as good a right to it as themselves, it would be a manifest departure from their original design of liberty. Congress opposed the arbitrary, assumed prerogative of the British government, to make laws to bind the (then) colonists, or to controul their internal police, and have brought about a revolution, in which the people of this State have signalized themselves.



How inconsistent, then, is it in Congress, to assume the same arbitrary stretch of prerogative over Vermont, for which they waged war against Great Britain? Is the liberty and natural rights of mankind a mere bubble, and the sport of state politicians? What avails it to America to establish one arbitrary power on the ruins of another? Congress set up as patriots for liberty; they did well—but pray extend the liberty, for which they are contending, to others. The inhabitants of the territory of Vermont have lived in a state of independence from their first settlement, to this day. Their first mode of government and management of their internal police, was very similar to that of the United States, in their first separation from the British government. They were governed by Committees of Safety, and Conventions; which last was their highest judicature for the security of their just rights against the oppressions of the (then) province of New-York, (the principal officers of the *Green Mountain Boys* being then judges in the said territory,) and which, on the 15th day of January, 1777, declared themselves to be a free and independent State, and have, from their first settlement of the country, maintained their independence, and protected their lives and properties, against all invaders, and date their freedom from the royal adjudication of the boundary line between New-York and New-Hampshire, the 20th July, 1764, and are now in the eighteenth year of their independence, and cannot submit to be resolved out of it, by the undue influence, which the State of New-York (their old adversary) has in Congress. This is too much,—heaven forbid it! The feelings of the citizens of Vermont, over which I have the honor to preside, (I am persuaded) will never give in to it;—they are free, and in possession of it, and will remain independent of New-York, notwithstanding their artifice or power. This State have no controversy with the United States, complexly considered, and is, at all times, ready and able to vindicate their just rights and liberties, against any usurpations of the State of New-York.

To return to the transactions of Congress, particularly their resolves of the 5th of December, 1782. “Resolved, That the said acts and proceedings of the said people,”—(*which was that of their courts of justice punishing delinquents, in due form of law,*) “being highly derogatory to the authority of the United States, and dangerous to the confederacy, require the immediate and decided interposition of Congress, for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until a decision shall be had of the controversy, relative to the jurisdiction of the same.” That the exercise of civil law in this State is derogatory to the authority of the United States, considered as such, or that it should be thought dangerous to the

confederacy, is paradoxical; or that the interposition of Congress in this matter would be a means of restoring peace in this State, is equally so. Law, peace, and order were established in this district, previous to the late resolves of Congress; what discord they may occasion, time must determine. It is a general opinion that a ratification of the said stipulated agreement would have had a more salutary tendency to peace, than the late resolutions. And as to the decision of the jurisdiction of the territory of this State, Congress, in their resolutions of the 7th and 21st of August, 1781, did determine the limits, which they would guarantee to the states of New-Hampshire and New-York, by virtue of the articles of confederation of the United States; which is as follows:—"By the United States in Congress assembled, August 21, 1781: It being the fixed purpose of Congress to adhere to the guarantee of the States of New Hampshire and New-York, contained in their resolutions of the 7th instant," to wit, that "they will consider all the lands belonging to New-Hampshire and New-York, respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation, and that the United States will, accordingly, guarantee such lands, and the jurisdiction over the same, against any claims or encroachments from the inhabitants of Vermont aforesaid."

Thus far the resolutions of the 7th of August, referred to in the resolutions of the 21st: the latter of which proceeds to point out the particular boundaries of the guarantee to the States aforesaid, to wit: To the State of New-Hampshire all the lands "on the east side of the west bank of Connecticut river;" and to the State of New-York all the lands "on the west side of a line beginning at the northwest corner of the State of Massachusetts, thence by a line, twenty miles east of Hudson's river, so far as said river runs northerly in its general course, thence by the west bounds of the townships granted by the late government of New-Hampshire, to the river running from South Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to latitude 45 north, excepting a neck of land between Missisco Bay and the waters of Lake Champlain." That Congress has explicitly pointed out, and determined the boundaries of the guarantee of the lands and jurisdiction of the States of New-Hampshire and New-York, as far as their respective claims interfere with this State, was the opinion of the Committee of the whole Legislature of this State, as may be seen from their journals viz: "Resolved, That in the sense of this Committee, Congress, by their resolutions of August last, in guaranteeing to the States of New York and New Hampshire, respectively, all the territory

without certain limits therein expressed, have eventually determined the boundaries of this State."

To this limitation of Vermont, its Legislature concurred, as the before quoted journals may evince. The boundaries of the States of New-York and New Hampshire, as far as they interfere with the State of Vermont, having been already thus adjudicated by Congress, what propriety is there, then, in the resolutions of the 5th of December, 1782, in which they break over their own adjudicated bounds of August, 1781, — requiring this State "without delay to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck, and such others as have been condemned to banishment and confiscation of estate, or have, otherwise, been deprived of property, since the first day of September last, and that they be not molested in their persons or properties, on their return to their habitations in the said district." Congress has been so mutable in their resolutions respecting Vermont, that it is impossible to know on what ground to find them, or what they design next. At one time, they guarantee to the States of New-York and New-Hampshire their lands and jurisdiction, to certain described limits, leaving a place for the existence of this State. And the next that this government hears from them, they are within those limits, controuling the internal government of this State. Again, they prescribe preliminaries of confederation, and when complied with, on the part of this State, they unreasonably procrastinate the ratification thereof. "That the United States will take effectual measures to enforce a compliance with the aforesaid resolution, in case the same shall be disobeyed by the people of the said district." In this case, it is probable that this State would appeal to the justice of his Excellency, General Washington, and, inasmuch as his Excellency, the General, and most of the inhabitants of the contiguous States, are in favor of the independence of this State, as limited by Congress, as aforesaid, I beg leave to suggest to them, whether it is not more prudent to refer the settlement of this dispute to the States of New-York and Vermont, than to embroil the confederacy of the United States therewith.

Although this state is not amenable to the tribunal of Congress for the management of their internal police, I, nevertheless, will give them a brief narrative of facts, relative to those delinquents, in whose behalf Congress, in their resolutions of December last, have interposed. At the session of the General Assembly of this State, in February, 1781, they made a general act of amnesty, in favor of such persons, within this State, who had previously made opposition to its authority; upon which they unanimously submitted to this government, and all opposition to it ceased, for more

than one year, when, the Legislature having ordered a certain quota of men, to be raised in the several towns throughout this State, for the defense of its frontiers, evil minded persons in the town and vicinage of Guilford, in the southerly part of the county of Windham, opposed the raising and paying of them, and Governor Clinton of the State of New-York, by letters to them and otherwise, interfered in their behalf, which caused a second insurrection in this State; and though every prudent and lenient measure was taken by government, to reclaim the offenders, they proved ineffectual. In the mean time, Governor Clinton gave commissions, civil and military, to sundry of those disaffected persons, and they had the effrontery to attempt to exercise the laws of the State of New-York, over the citizens of this State; when a military force was, by the direction of this government, sent to assist the sheriff of Windham county, in the execution of the laws of this State; and the procedure of the court, relative to the five criminals, who were banished, and to sundry others, who were amerced in pecuniary fines, was in due form of law. The notorious Samuel Ely, who was ring-leader of the late seditions in the State of Massachusetts, a fugitive from justice, was one of the banished. He had left that State, and was beginning insurrections in this; when he was detected, and carefully delivered to the sheriff of the county of Hampshire, in the State of Massachusetts, who as I have been since informed, has secured him in gaol at Boston, to the great satisfaction and peace of that State. This same Samuel Ely, Timothy Church, and William Shattuck, who were three of the banished, had previously taken the oath of allegiance to this State, and so had a greater part of those who were fined; and every of the towns, in which they resided, had, for several sessions of Assembly, previous to their insurrection, been represented in the Legislature of this State. So that, admitting the resolutions of Congress of the 24th of September, 1779, and 2d of June, 1780, to be binding on the States of New-York and Vermont, which prescribed to them to exercise their respective jurisdictions over such of the inhabitants of the controverted territory, who should profess to owe allegiance to one or both of them, and not to interfere with each other's jurisdiction; and as every of those inhabitants, previous to the late insurrection, had conformed to the government of this State, the jurisdiction of the State of New-York became extinct: and Congress having, in their said resolves, given their premised right of jurisdiction to the States of New-York and Vermont; and that of New-York having ended as aforesaid, the whole right of jurisdiction reverted to the State of Vermont, so that Congress, by their said resolutions of 1779, and 1780, fairly put the aforesaid banished persons and others, under the jurisdic-

tion of this State, and are foreclosed from interfering with the jurisdiction of the same; and, consequently, could have no jurisdiction of those matters, which, in their resolutions of the 5th of December, 1782, they object to the civil authority of this State, and in which they so spiritedly interpose their prerogative,—for that the said delinquents were, every of them, in just construction of law or reason, subjects of this State; and, therefore, agreeable to the express tenor of those resolutions of Congress of 1779, and 1780, could not be amenable to any other laws or regulations, but those of the State of Vermont.

But, admitting that Congress has a judicial authority to controul the internal police of this State, it has an incontestable right to be heard in its defense, as a party, (in law,) and should, on this thesis, have been cited by Congress to a hearing at their tribunal, previous to their having passed their resolutions of the 5th of December last, that this State might have the privilege of vindicating their cause. But that Congress, at the special instance of ———, (a notorious cheat and nuisance to mankind, as far as his acquaintance and dealings have been extended,) should come to a decision of so important a matter, *ex parte*, is illegal, and contrary to the law of nature and nations.

Sir, I beg leave to conclude this remonstrance, by earnestly soliciting a federal union with the United States, agreeable to the before recited preliminary agreement, which the committee of Congress have reported has “become *absolute* and *necessary* on their part, to be performed,” and from which this State will not recede. I have the honor, to be, sir, with due respect, your Excellency’s obedient and humble servant, THOMAS CHITTENDEN.

IN CONGRESS: Jan. 27. A letter was received from general Washington, transmitting the report of the officer [Israel Smith] sent to Vermont to arrest Luke Knowlton and Samuel Wells,\*for intriguing with the enemy. Their escape was charged to information given by Jonathan Arnold, a delegate in congress from Rhode Island and a friend to Vermont. Mr. Arnold was present, and said he had never had any correspondence with either Knowlton or Wells. Mr. Madison recorded that it was generally considered that he had, at least at second hand, conveyed the intelligence to Vermont.<sup>1</sup>

<sup>1</sup> *Madison Papers*, Vol. I, 282. Mr. Arnold did write to gov. Chittenden on the 25th and 26th December 1782, but it is hardly to be presumed that these letters conveyed any information as to the proposed arrests. Both were laid before the general assembly, Feb. 13, 1783, in connection with information as to the action of congress on the Vermont question.

*Reception of Vermont's Remonstrance in Congress.*

1783.

Feb. 4. An indecent and tart remonstrance was received from Vermont against the interposition of congress in favor of the persons who had been banished, and whose effects had been confiscated. A motion was made by Mr. Hamilton [of New York] seconded by Mr. Dyer [of Connecticut,] to commit it. Mr. Wolcott [of Connecticut,] who had always patronized the case of Vermont, wished to know the views of a commitment. Mr. Hamilton said his view was, *to fulfil the resolutions of Congress, which bound them to enforce the measure.* Mr. Dyer said his was, *that so dishonorable a menace [as that of congress to Vermont] might be as quickly as possible renounced.* He said Gen. Washington was in favor of Vermont, that the principal people of New England were all supporters of them, and that Congress ought to rectify the error into which they had been led, without longer exposing themselves to reproach on this subject. It was committed without dissent.<sup>1</sup>

*Gen. Washington to the President of Congress.*<sup>2</sup>

NEWBURGH, Feb. 7, 1783.

*Sir:* Within these few days I have seen printed copies of "A Remonstrance of the Council of the State of Vermont against the resolutions of Congress of the 5th of December last," addressed to your excellency, in which are several quotations from a letter of mine. Duty as well as inclination prompts me to lay before Congress the whole of that letter, and the one to which it was an answer. If it should be necessary, a committee of Congress, with whom I was in conference on these matters in the course of last winter, can give such further information on this subject as I doubt not will be satisfactory.

I have the honor to be, with great respect, your excellency's most obed't serv't,

GEO. WASHINGTON.

*His Excellency, the President of Congress.*

[Enclosures—Letter of Chittenden to Washington, Nov. 14, 1781: and of Washington to Chittenden, Jan. 1, 1782.]

*Gen. Washington to Joseph Jones in Congress.*<sup>3</sup>

NEWBURGH, 11 February, 1783.

*Dear Sir:*—I am about to write you a letter on a subject equally important and delicate, which may be extensive in its consequen-

<sup>1</sup> *Madison Papers*, Vol. I, 319.<sup>2</sup> *Washington's Letters*, State Department.<sup>3</sup> *Life and Writings*, Vol.. VIII, 382.

ces and serious in its nature. I shall confine myself to the recital of what I believe to be facts, and leave it with you to make deductions.

The printed remonstrance of Mr. Chittenden and his council, addressed to the President of Congress and founded upon the resolves of the 5th of December last, contains a favorable recital in their own behalf, of what I suppose to be facts; but, if my memory serves me, it is an uncandid performance, inasmuch as it keeps out of view an important transaction of theirs, which was consequent on those resolves.<sup>1</sup> Be this as it may, matters seem to be approaching too fast to a disagreeable issue, for the quiet of my mind. The resolves on one hand, and the remonstrance on the other, unless it should be annulled by the legislature at their next meeting, which I do not expect, seem to leave little room for an amicable decision.

Affairs being thus situated, permit me to ask how far, and by what means, coercion is to be extended. The army, I presume, will be the answer to the latter. Circumstances, (for there can be no determination after blood is once drawn) alone can prescribe bounds to the former. It has been said, but of this you can judge better than I, that the delegates of the New England States in Congress, or a majority of them, are willing to admit these people into the Federal Union, as an independent and sovereign State. Be this as it may, two things I am sure of, namely, that they have a powerful interest in those States, and pursued very politic measures to strengthen and increase it, long before I had any knowledge of the matter, and before the tendency of it was seen into or suspected, by granting upon very advantageous terms large tracts of land; in which, I am sorry to find, the army in some degree have participated.

Let me next ask, by whom is this district of country principally settled? And of whom is your present army (I do not confine the question to this part of it, but will extend it to the whole) comprised? The answers are evident,—New England men. It has been the opinion of some, that the appearance of force would awe these people into submission. If the General Assembly ratify and confirm what Mr. Chittenden and his council have done, I shall be of a very different sentiment; and, moreover, that it is not a trifling force that will subdue them, even supposing they derive no aid from the enemy in Canada: and that it would be a very arduous task indeed, if they should, to say nothing of a diversion, which

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<sup>1</sup> It is difficult to conjecture what was in Washington's mind, and the editor leaves the task to the reader.

may and doubtless would be made in their favor from New York, [by Carleton,] if the war with Great Britain should continue.

The country is very mountainous, full of defiles, and extremely strong. The inhabitants, for the most part, are a hardy race, composed of that kind of people who are best calculated for soldiers; in truth, who *are* soldiers; for many, many hundreds of them are deserters from this army, who, having acquired property there, would be desperate in the defense of it, well knowing that they were fighting with halters about their necks.<sup>1</sup>

It may be asked if I am acquainted with the sentiments of the army on the subject of this dispute. I readily answer, No, not intimately. It is a matter of too delicate a nature to agitate for the purpose of information. But I have heard many officers of rank and discernment, and have learned by indirect inquiries that others, express the utmost horror at the idea of shedding blood in this dispute, comparing it in its consequences, though not in its principles, to the quarrel with Great Britain, who thought she was only to hold up the rod and all would be hushed. I cannot at this time undertake to say, that there would be any difficulty with the army, if it were to be ordered on this service, but I should be exceedingly unhappy to see the experiment. For besides the reasons before suggested, I believe there would be a great and general unwillingness to embrace their hands in the blood of their brethren. I have to add, that almost at the same instant a number of the printed copies of the remonstrance were disseminated through the army. What effect it will have, I know not. The design is obvious.

I promised in the beginning of this letter, that I should content myself with a simple relation of facts. I shall only lament, that Congress did not in the commencement of this dispute act decidedly. This matter, as you well know, was much agitated last winter, and a committee of Congress, with whom I had the honor to be in conference, and of which I believe you were one, approved of my writing an answer to the effect it was given.

With great regard, I am, &c., GEO. WASHINGTON.

*Joseph Jones, in Congress, to General Washington. — [Extract.]*<sup>2</sup>

Feb. 27. With respect to the business of Vermont, I think you need not be uneasy from apprehensions that the army, or any part

<sup>1</sup> Undoubtedly true : as Vermont was not a member of the confederacy, it furnished a desirable refuge for deserters who did not wish to go to Canada. It is to be remembered, however, that the Vermont authorities aided in the arrest of deserters whenever requested. — *Ante*, 243.

<sup>2</sup> *Correspondence of the Revolution*, Vol. III, 557.



of them, will be employed to enforce a compliance with the act of the 5th of December last, should the people of Vermont refuse a compliance with that demand ; at least for some time to come, if ever. To go into detail upon this matter would be prolix, and rather improper for the scope of a letter. It cannot be denied that the act of Congress of the 20th August [1781] opened the prospect to Vermont of an acknowledgment of their independence and admission into the Union. Although it gave ground of hope, it was not conclusive : and the Legislature of Vermont, absolutely rejecting the offer, and recommending to the people an inviolable adherence to their union and encroachments on the adjoining States, as well as other unwarrantable acts they have unjustly concealed from the public in their remonstrance, released Congress from their offer, and left them at liberty afterwards to accept or refuse, as they saw fit, when Vermont, repenting of her conduct, at a future period complied.

A particular state of things produced the act of Congress ; a change of circumstances afterwards dictated the delay in determining on their proposition, and the report of a committee, to whom it was referred. This report authorises observations I decline to make. This proceeding in Congress they style a violation of the compact entered into with them. There always has been a strong opposition to the claims of Vermont, and their admission into the Union. Virginia has generally been among the number of her opponents, not so much, perhaps, upon the question of independence, as the impolicy of her admission into the Union while several very important questions of local concern remained undetermined ; and, until these great points are settled, the consent of Virginia, I expect, will be withheld, and, if before obtained, it will be a sacrifice of her opinion to the peace and common weal of the United States.

If Vermont confines herself to the limits assigned to her, and ceases to encroach upon and disturb the quiet of the adjoining states, at the same time avoiding combinations, or arts, hostile to the United States, she may be at rest within her limits, and, by patient waiting the convenient time, may ere long be admitted to the privileges of Union. The influence Vermont has gained in the army, and in some of the states that espouse her cause, do little credit to the parties concerned ; and to this influence is in a great measure to be ascribed the variable, indecisive conduct of Congress respecting the claims of that people. The remonstrance states the receipt of *official* letters recommending a compliance with the act of Congress, and intimates yours to be of the number ;<sup>1</sup>

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<sup>1</sup> Williams and Ira Allen both testify that Washington's letter did have very great influence with the legislature, *unofficial* though the letter was.

and that these communications influenced them to comply. The assertion is wrong as to yours, and may be equally false as to the others, and is one proof, among a variety of others, of the disingenuity and want of candor in Vermont. It exhibits, also, very little respect to that body, when they ascribe their compliance to other motives than the recommendation of Congress.<sup>1</sup>

*General Assembly of Vermont, February Session, 1783.*

IN JOINT ASSEMBLY: Feb. 13. His excellency laid before the house the following papers, viz: the proceedings of congress from the 5th of November to the 5th of December, 1782, respecting Vermont, among which were the resolutions of the 5th of December. The said proceedings were attested by George Bond, Dept. Secretary. A letter from the honl. Jonathan Arnold, esqr., [delegate in congress from Rhode Island,] dated Philadelphia, Dec. 25th, 1782, directed to his excellency gov. Chittenden; also one other letter from the same gentleman, directed as aforesaid and dated at the same place the 26th Dec., 1782; a letter directed to his excellency, signed Isaac Tichenor, dated at Bennington 2d Feby., 1783, enclosing instructions from the legislature at New Jersey to their delegates [in congress,] dated Novr. 1st, 1782; and also attested copies of affidavits or depositions of Joel Bigelow, William Shattuck, Henry Evans, Oliver Lovewell, William Houghton, Thomas Baker, and David Lamb, which were sent to congress, were read; and also a remonstrance, signed by his excellency Thomas Chittenden, esqr., directed to his excellency the president of congress, dated Bennington, Jany. 9th, 1783, was read.

On motion made by Mr. Enos, and seconded by Mr. Lyon, *Resolved*, that a committee of five be appointed to take under consideration the resolutions of congress of the 5th of December last, and prepare a bill to lay before the house for the determination of this assembly on said resolutions, and make report.

The members chosen, Mr. Chipman, Mr. E. Robinson, Mr. Evans, Mr. Strong, and Mr. Sabin.<sup>2</sup>

IN COUNCIL: Feb. 17. A letter of the 13th instant, from major Joseph Fay, was read and a verbal relation at the same time made by Isaac Tichenor, esqr., relative to the transactions of congress

<sup>1</sup>Indirect evidence is not needed to prove that the government and people of Vermont had very little respect at that time, or ever afterward, for the continental congress. That body had trifled too long with Vermont, and hardly had the right to complain of any body for a want of candor or decision.

<sup>2</sup>*Assembly Journal*, 1778-1784, 452, 453.

respecting the state of Vermont, on passing their act of the 5th of December last.<sup>1</sup>

IN ASSEMBLY: Feb. 18. The house took under consideration the appointment of a board of war, and on motion made, *Resolved*, that this house will at this time proceed to choose seven persons for a board of war.

The ballots being taken, gen. Roger Enos, col. John Strong, gen. Sam'l Safford, col. Elijah Robinson, col. Timothy Brownson, col. Benjamin Wait, col. Moses Robinson were elected.<sup>2</sup>

Feb. 19. A petition signed Timothy Church was read and referred to a committee of five to join a committee from the council.<sup>3</sup>

This petition is here noted, because it was deemed of sufficient importance to be sent to congress. An act was passed, granting the prayer of the petitioner on his paying costs of suit and of imprisonment. This act recited the petition as setting forth Church's hearty penitence and determination to behave orderly and submissively in case of pardon.<sup>4</sup>

Feb. 22. The committee to whom was referred the determining what number of men ought to be raised for the defense of the frontiers of this state, &c., and how they shall be raised and paid, brought in the following report, viz:

That in the opinion of your committee there ought to be raised for the ensuing campaign, five hundred men, exclusive of commissioned officers; and that the same be properly affixed [officered], and raised and paid in the same way and manner as the troops were ordered to be raised and paid the last campaign. And that the time of raising said men, and the term which they shall be raised for, be referred to such board as shall be thought proper by the general assembly.

The above report was read and accepted, and ordered that a bill be brought in accordingly.<sup>5</sup>

Feb. 25. *Resolved*, that six persons be elected at this time as delegates to represent this state in the Congress of the United States the year ensuing if necessary.

The ballots being taken, the honl. Moses Robinson, Jonas Fay,

<sup>1</sup> *Council Journal*, 1781 to 1784, 33.

<sup>2</sup> *Assembly Journal*, 1778-1784, 456. <sup>3</sup> *Same*, 459.

<sup>4</sup> *State Papers*, 470.

<sup>5</sup> *Assembly Journal*, 1778-1784, 466.

esquires, Isaac Tichenor, esqr., the honl. Ira Allen and Paul Spooner, esqrs., and Abel Curtiss, esqr., were elected.<sup>1</sup>

IN JOINT ASSEMBLY: Feb. 25. Whereas it is represented that sundry false reports have been industriously circulated among the inhabitants of the independent states of America, tending to excite jealousies and distrust and thereby lessen their friendship and esteem towards the citizens of this state: on motion made in a committee [of the whole] of both houses, the following resolutions were prepared and agreed to, viz.—

*Resolved*, that the citizens of this state have from their first forming government, uniformly shewn in a public manner their attachment to [the] common cause and desire of being connected in a federal union with the United States, as may appear by their resolutions and other public transactions.

*Resolved*, that neither the executive or legislative authority of this state have ever entered into any negotiation, truce, or combination with the enemies of this and the United States, except that only of an exchange of prisoners; and they are still determined, at the risk of their lives and fortunes, to continue their opposition to any attempts made, or that may hereafter be made, to infringe or abridge the rights to [or] the freedom and independence of this and the United States. Nor is there a disposition existing in this committee, from their confidence in the good intentions of the United States, to afford their aid, to propose, or consent to any terms of peace or otherwise, derogatory to or inconsistent with the rights, liberties, or independence of this or the United States of America.<sup>2</sup>

<sup>1</sup>*Assembly Journal*, 1778-1784, 471.

<sup>2</sup>This is official testimony to the attachment and integrity of the great body of the people and government of Vermont to the national cause. But was it true? That it was, a careful analysis of the papers will show. 1st.—The negotiation, beyond an exchange of prisoners, was, from first to last, *without official authority*: at the first interview with the British commissioners Ira Allen said he was “*not authorised to treat of a Union*,” (*ante*, 109,) and in his last letter to Haldimand he said, “*I am not authorised to make the proposition*,” (*ante*, 285.) Most frequently Allen and Fay professed to represent the views of “the leading men,” meaning the few persons most interested in holding land against New York titles, and who were in the secret. Whenever they spoke of the governor and council, general assembly, or government of Vermont, it was of views or actions depending on contingencies that never happened—as on page 284. The very strongest expressions ever made by Ira Allen are on page 285, and it will be observed that these immediately follow his disavowal of

The committee [of the whole, and joint assembly] then dissolved.  
Attest, ROSWELL HOPKINS, *Clerk*.

IN ASSEMBLY: The aforesaid resolutions were read and agreed to.<sup>1</sup>

IN COUNCIL: Feb. 25. The following act was received from the general assembly, and after being read was ordered to be entered on the journals of council, viz:—

*An Act to enable the Governor and Council to pardon certain persons therein described.*

Whereas certain persons in the county of Windham have lately been convicted, before the the supreme [superior] court of this state, of conspiring and attempting an invasion, insurrection, and public rebellion against this state, contrary to the form of the statute of this state passed in June last, entitled “an act for the punishment of conspiracy against the peace, liberties, and independence of this state,” and have been banished therefor:

And whereas it is suggested that some of said persons are penitent and desirous of returning to their duty, and it is probable that during the recess of this house some of said persons will petition for the pardon of their said offenses: this assembly being desirous at all times of showing mercy when it can be done consistent with the public safety:

*Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the state of Vermont in general assembly met, and by the authority of the same, That his excellency the governor and the honorable the council of this state be and are hereby fully authorized and empowered, upon application to them made, during the adjournment of this assembly, to pardon any of the said persons who have been banished from this state by the supreme [superior] court as aforesaid, in as full and ample manner as this assembly could do if convened.*

STATE OF VERMONT, IN GENERAL ASSEMBLY.

Windsor, Feb. 24th, 1783.

The above act was read and passed the house.

Attest,

ROSWELL HOPKINS, *Clerk*.

official authority, and that he spoke for the persons named, “and their *privy council*”—a body unknown to the constitution and laws of Vermont. 2d.—By the agreement of both parties, the negotiation was *secret*, and hence no report of it was ever made to the general assembly, but the fact and purport of it, exchanges excepted, were studiously concealed.

<sup>1</sup> *Assembly Journal*, 1778–1784, 475, 476.

IN COUNCIL, Windsor, February 25th, 1783.

Read and concurred.

JONAS FAY, *Secy P. T.*<sup>1</sup>

IN ASSEMBLY: Feb. 25. The committee appointed to prepare an address to congress, as an answer to their resolutions of the 5th of Decr. last, brought in the following, viz.—

WINDSOR, February 26, 1783.

*To his Excellency, the President of Congress:*

*Sir:*—We the Legislature of Vermont request your Excellency to communicate to Congress the following determinations of the free-men of this State, in answer to the requisition of Congress, of the 5th of December last.

We beg leave to observe that Congress, in and by their resolutions of the 7th and 21st of August, 1781, did virtually acknowledge the right, and engage to recognize the independence of this State, on compliance with a certain preliminary condition, therein contained; which preliminary condition has been, in the most full and ample manner, complied with by this state, as appears from the journals of this House, and the report of the committee of Congress. In this situation, conscious of our right, and seeing such right virtually acknowledged by Congress, we had no apprehension of our becoming obnoxious, by an exercise of that right over those, who, by an oath of allegiance and otherwise, were the liege subjects of this State, and had, in a flagrant manner, violated its laws and disturbed the peace of government; and however this Legislature may be disposed to extend mercy to delinquents, on proper application, yet, that mercy must be free, and at our own election.

All and every act of Congress, which interfere with the internal government of this State, and tend to prevent a general exercise of our laws, are unjustifiable in their nature, and repugnant to every idea of freedom. It presupposes this State dependent on Congress, not only for the enjoyment of their independent right of jurisdiction, but for the right itself; whereas, the fact is, if we have any right to be an independent jurisdiction, such right is, and must be, derived from association, and the civil compact of the people. We conceive the several States in the union do not owe to Congress their right of existing independent of their neighbors; but

<sup>1</sup> *Council Journal*, 1781 to 1784, 38, 39. Timothy Phelps, while in prison, availed himself of this act, and was pardoned, June 24, 1783, on the conditions that had been required by the general assembly in the case of Church. To his first offense Phelps had added another, by attempting to disperse the superior court of Vermont at Marlborough, on the 4th of Feb. 1783. — See *Eastern Vermont*, 492–498.

that each State was formed by the association and civil compact of its inhabitants. Through this medium they derive their separate rights to jurisdiction, and Congress the different powers they are vested with; and have, of course, neither the power or right to make, or unmake, States, within, or without, the union, or to controul their internal police, without a power delegated to them for the purpose. Admitting the propriety of this reasoning, and the existence of a right in the people in this State to an independent jurisdiction—which is explicitly avowed by the resolutions of Congress of the 21st of August, 1781—is not the resolution of the 5th of December an invasion of the rights of a free people?

The citizens of this state have ever entertained the highest opinion of the wisdom and integrity of Congress, and have manifested their confidence in that body, by a spirited exertion in prosecution of every measure against the common enemy, at the risque of life and fortune. We still are ready to comply with every reasonable requisition of Congress; but when Congress require us to abrogate our laws, and reverse the solemn decisions of our courts of justice, in favor of insurgents and disturbers of the public peace, we think ourselves justified to God and the world, when we say we cannot comply with such their requisitions. The interests of the United States, which, with a view to confederation, we have made our own, forbid it. It would be licensing factious subjects to oppose government with impunity. We should become the resort of insurgents and disturbers of government, and, consequently, every measure to raise men or money in support of the common cause, would be weak and contemptible.

We are conscious of doing no act, in derogation to the dignity, or in contempt of the authority, of Congress, or to disturb the peace of the confederacy; but solely, with a view to the security of our just rights, and the internal peace and tranquility of this State.

As we have, from the commencement of the war, braved every danger and hardship, against the usurpations of Britain, in common with the United States; as our inherent right of sovereignty and jurisdiction stands confessed, upon the principles of the revolution, and implied by the solemn transactions of Congress, we cannot but express our surprize at the reception of the late resolutions of Congress of the 5th of December, obtained *ex parte*, and at the special instance of an infamous person, as the inclosed evidence, among other things, will evince.

And as we have, repeatedly, solicited a confederation and union with the United States of America, so now, in the name and in behalf of the freemen of this State, we renew our request, and, in the most solemn manner, call upon Congress to execute, on their

part, the intent and spirit of their resolution of the 21st of August, 1781.

In behalf of the General Assembly of Vermont.

THOMAS PORTER, *Speaker*.<sup>1</sup>

The aforesaid address was read and *unanimously agreed to*; and

*Ordered*, that his honor the speaker sign the same in behalf of this house, and that his excellency the governor be requested to transmit a copy of the same to the Congress of the United States of America, enclosing a copy of the deposition of Oliver Lovewell, esqr., and the petition of Timothy Church.<sup>2</sup>

*The Vermont Question in Congress.*

1783. A letter from gov. Clinton was presented to congress, March 4. notifying that body that the Vermont officers wholly disregarded the resolution of the preceding 5th of December, were arresting and imprisoning such of the banished persons as had returned, and otherwise asserting their authority over all the inhabitants of the state. He urged speedy action on the subject. April 14, a letter of gov. Chittenden, transmitting the address of the general assembly of Vermont, signed by their speaker, was also presented. All these papers were referred to a committee, April 28; which reported, May 25, that preceding any further action, congress ought to determine whether Vermont should be admitted into the union as a state. No further action was had until the 29th of May, 1784, when a committee reported a resolution to recognize Vermont as a free, sovereign, and independent state, entitled to admission to the union on acceding to the articles of confederation. Though a majority of the states were in favor of this resolution, the votes of nine states, which were required for its adoption, could not be had on the one hand, and on the other, Vermont was not anxious for a union until the United States government should be better settled and present a more inviting prospect. In the meantime, the adherents to New York in Windham county, by continued opposition, had compelled the Vermont government to adopt severe measures for the vindication of its authority and the suppression of all resistance to it. But with the

<sup>1</sup> *State Papers*, 185. This Letter is printed as it was sent to Congress.

<sup>2</sup> *Assembly Journal*, 1778-1784, 476-479.



assured facts that a majority of the states favored Vermont, the claim of New York was hopeless, and the power of the Vermont government irresistible, all active opposition to the jurisdiction of Vermont soon ceased.<sup>1</sup>

*Last Letter of General Haldimand to Vermont.*<sup>2</sup>

Although the preliminary articles of the treaty for peace between Great Britain and the United States had been signed in November, 1782, the cessation of hostilities was not proclaimed by Washington until April 19, 1783, so the following was written before news of peace had been received in Canada, though evidently expected. This letter was probably addressed by Matthews or Sherwood, by direction of Gen. Haldimand, to Ira Allen, and was dated March 25, 1783.

I am commanded to acquaint you, that actuated from the beginning, by a sincere desire of serving you, and your people, as well as of promoting the royal cause, by re-uniting you with the mother country, his Excellency never lost an opportunity of representing every circumstance that could be advanced in your favour, to the King's Ministers, in the hope of accomplishing a reconciliation. His Excellency will continue by such representations, to do all in his power to serve you, but what effect it may have, at this late period, is very uncertain. While his Excellency sincerely regrets the happy moment, which it is much to be feared, cannot be recalled, of restoring to you the blessings of the British Government, and views with concern the fatal consequences approaching, which he has so long, and so frequently predicted, from your procrastination, he derives some satisfaction from a consciousness of not having omitted a circumstance, which could tend to your persuasion, and adoption of his desired purpose. In the present uncertain state of affairs, uninformed as his Excellency is, of what is doing, or perhaps done, in a general accommodation, he does not think fit, until the result shall be known, to give any opinion, which may influence you, perhaps, to the prejudice of your interests, or that might interfere with the views of Government. If the report now prevailing has any foundation, a very short time will determine the fate of Vermont. Should anything favourable present, you may still depend on his Excellency's utmost endeavours, for your salvation.

<sup>1</sup> *Early History*, 427-437. *Eastern Vermont*, 485-540.

<sup>2</sup> *Williams*, Vol. II, 212. *Vt. Hist. Coll.*, Vol. I, 466.

Ira Allen thus commented on this closing letter of the Haldimand correspondence with Vermont :<sup>1</sup>

The preceding letter, under the circumstances it was written, shows the generous conduct of General Haldimand, in the course of these negotiations, and a friendly liberality in cautioning the people of Vermont to be on their guard for new events. The facts are, that these negotiations, on the part of Vermont, were from necessity, as has been already shown ; on the part of the British, they were to carry into effect the object of the war : from different motives those measures were carried on in such ways as the parties could agree for their mutual interest, on the strictest principles of honor ; and when peace was proclaimed, impressions of friendship remained between the parties, as several interviews between General Haldimand and Colonel Ira Allen afterwards fully evinced.

Williams thus described the condition and prevailing sentiment of Vermont at that time :<sup>2</sup>

The effect produced by these acts of Congress, [Dec. 5, 1782,] was, in every respect, different, from what that body seem to have expected. Instead of being awed into submission, the people and government of Vermont concluded they were produced by the influence of New-York ; and determined that they should never be executed. The evasive, irresolute, contradictory acts of Congress, had nearly destroyed all the faith and confidence, which the people of Vermont had reposed in that body : and it was generally thought it would not be best to have any connexion with them ; but only to keep up the custom and form of choosing delegates, every year, to represent the State of Vermont.

The war with Great Britain had proved greatly distressing to every part of the United States ; but it had served to establish an union among the people of America, which could not have been so firmly cemented, but by the prospect of common danger. This appearance was now come to an end. On January 20th, 1783,<sup>3</sup> the preliminary articles of peace were signed by the ministers of the king of Great Britain, and the United States of America. In this treaty, the former colonies were acknowledged to be free, sovereign and independent states. By putting an end to the war, this treaty put an end to the embarrassments of Congress, and to all the fears of the people of Vermont. An union with the confederation was no longer a matter of immediate and urgent necessity. The state had now no external enemies to oppose, or any

<sup>1</sup> *Vt. Hist. Coll.*, Vol. I, 467.    <sup>2</sup> *Williams*, Vol. II, 251-254.

<sup>3</sup> Nov. 30, 1782. Williams gave the date of the "general peace."

body of troops to be raised, or kept in pay. Weary of so long and distressing a war, all parties wished for the repose and tranquility of peace; and were heartily desirous of dropping all occasions of controversy and debate. The business of Congress, however, became more and more embarrassing. Their currency had failed, their revenues were exhausted, their armies were dissatisfied and unpaid, the debts they had contracted were unfunded, the public creditors were everywhere full of complaints against their proceedings, and they had no resources to answer the demands that were perpetually made upon them. Few of the states paid much regard to their resolutions, and it was now fully evident that their powers were inadequate to the public business of the United States, and that the articles of union and confederation were essentially defective. Without power to relieve themselves, under these embarrassments, the Congress was daily sinking into a state of insignificance and contempt; and the public affairs of the union were constantly becoming more and more embarrassed with weakness, disorder, the want of wisdom, credit, and power.

In such a state of things, an admission into the confederacy of the states, ceased to be an object of any importance, or even desire. Vermont was happy in being free from the load of debt, which lay upon the United States; and was not perplexed by the constant calls of Congress, to raise the necessary sums of money. The legislature had acquired wisdom and experience in governing the people, from the difficulties in which they had been engaged. It had not been in their power to contract very large debts, nor was it necessary or practicable to impose heavy taxes upon the people. The state had a large quantity of valuable lands to dispose of; and purchasers and settlers were constantly coming in, from all the New England States. Thus, by one of those sudden transitions which are common to human affairs, from the most distressed and perplexed state, the condition and prospect of the people of Vermont became, at once, more easy and flattering than those of their neighbors. Encouraged by the mildness of the government, the smallness of the taxes, the fertility and cheapness of the lands, large additions were annually made to their numbers and property, by the accession of inhabitants from other states. There was nothing, therefore, in the public affairs of the United States, or in those of Vermont, that could lead the inhabitants any longer to wish for an admission into the confederation. The body of the people felt that they were in a better situation than the people in the neighboring states; and it was the general inclination and desire, not to be connected with the union, if it could be decently avoided.



# HALDIMAND PAPERS

WHICH HAVE NO REFERENCE TO VERMONT.

THE following letters among the Haldimand Papers have no reference to Vermont, and for that reason, and to prevent confusion in the historical record, the editor has reserved them for insertion here. With the exception of a few letters in the French language, and several in cypher, [one of them being inserted as a specimen,] of which translations are given in this volume, the following make the publication of "the Haldimand Papers," so far as Vermont possesses them, ENTIRELY COMPLETE. Nothing has been reserved.

[*Bev. Robinson*] to *Gen. Haldimand*.

NEW YORK, May 8, 1781.

*Sir* :—I received yours of the 7th of February, but the letters you mention to have sent me by ensign Drummond of the 15th of November has not reached me, nor has that gentleman, as yet, made his appearance here.

Major-General Reidesel and a number of other officers and men of the Brunswick troops being exchanged, I applied sometime since to the admiral for a ship of war, as well to carry them to Quebec, as to convoy thither from Halifax several of your Victuallers which wintered there. But he told me, that as there were two frigates stationed at Quebec, those should be sent to convoy them from Halifax.

I have the honor to send you some of our newspapers, which will inform you of the most material occurrences that has happened in this quarter since my last.

I likewise enclose to you an account of the moneys which I have paid occasionally to several officers, &c., belonging to the Canada establishment, who, owing to various causes have happened to come in here, and generally naked, or in some other great distress.

To his Excellency, *Gen. Haldimand*.

*Sir Henry Clinton* to *General Haldimand*.

NEW YORK, May 31, 1781.

<i>Sir</i> :	Having	27 — 1	6 — 1
I have	wrote	— 2	— 2
received	you	— 3	— 5
your	fully	— 4	1 — 6
letters	on the 8th.	— 5	6 — 6
No. 3 &	I have	— 6	— 3
4, on	now only	— 7	
the 9th	to add	— 8	2 — 1
instant.	that the		— 7
		&c. for the	5 — 1

— 1	4 — 2	6 — 6	that
1 — 3	6 — 3	1 — 3	2 — 1
4 — 3	2 — 6	— 3	— 2
in	4 — 1	4 — 1	— 3
21 — 1	5 — 1	— 2	3 — 1
6 — 6	4 — 3	2 — 3	18 — 3
— 3	2 — 3	18 — 3	1 — 6
— 6	18 — 3	in the	— 7
18 — 3	1 — 5	1 — 6	— 5
6 — 6	— 4	5 — 1	6 — 6
as well	4 — 4	4 — 3	4 — 1
as	18 — 17	— 4	told me
6 — 1	6 — 5	18 — 17	he could
— 2	— 3	6 — 5	9 — 10
— 3	only	— 1	1 — 11
— 4	19 — 1	— 2	4 — 3
— 5	6 — 6	— 3	1 — 3
— 6	4 — 2	4 — 4	6 — 6
— 7	— 4	2 — 1	1 — 5
1 — 5	for an	1 — 4	— 4
— 4	12 — 1	— 5	3 — 1
— 7	1 — 3	— 6	2 — 4
18 — 3	— 3	— 9	5 — 4
1 — 4	5 — 1	for a	4 — 2
4 — 3	1 — 5	21 — 1	1 — 3
5 — 5	4 — 4	— 2	of
4 — 1	18 — 17	— 7	19 — 1
and the	6 — 3	9 — 16	6 — 6
9 — 1	4 — 2	5 — 1	— 5
— 2	2 — 12	2 — 12	to see
— 3	14 — 1	14 — 1	2 — 1
— 4	— 2	— 2	— 2
— 5	6 — 1	1 — 4	— 3
— 6	5 — 1	2 — 4	1 — 6
— 7	14 — 1	— 6	6 — 6
— 8	— 2	5 — 1	4 — 1
and	11 — 1	2 — 7	4 — 1
1 — 6	6 — 6	— 9	2 — 1
6 — 2	4 — 1	2 — 1	— 2
— 3	— 2	— 3	— 3
men-	5 — 2	1 — 6	14 — 3
tioned	3 — 1	thither.	6 — 6
9 — 9	15 — 19	I have	2 — 12
— 10	and I	already	
2 — 1	have	informed	
— 2		you	
— 3			

to Q.	5 — 2 6 — 6 15 — 19	9 — 16 — 6	2 — 1 — 2 — 3
18 — 17 11 — 5 1 — 1 2 — 5 — 6	together with your 9 — 16 — 4 — 5 — 11	1 — 14 — 1 — 2	5 — 2 9 — 7 — 6 — 10 — 5 2 — 2
but that the two 2 — 4 4 — 4 6 — 6 4 — 4 — 2 5 — 1 6 — 3 — 4 18 — 3	18 — 17 6 — 6 4 — 1 — 1 9 — 6 — 7 — 8	intention- tions of	fleet and troops
2 — 1 — 2 — 3 1 — 5 — 4	that 14 — 3 — 5 — 10 9 — 11 — 13 — 7 5 — 5 18 — 3	6 — 1 5 — 1 9 — 16 — 6 — 7 — 10 1 — 6 — 4 — 12 4 — 4	6 — 6 1 — 5 — 4
ought to con- voy them 9 — 11 — 12 — 9 — 11 — 12 — 6 — 7	at that place.	with	still
5 — 2 9 — 7 — 1 1 — 6	I have not re- ceived the least intimation from 2 — 2 5 — 1 1 — 6 — 4	9 — 7 — 6 6 — 1 — 9 — 5 18 — 3	6 — 6 4 — 4
2 — 2 6 — 6 4 — 1 — 2	9 — 7 — 6 4 — 1 6 — 6 4 — 4 — 2	to	1 — 5 2 — 2 5 — 1 18 — 3 5 — 5
		2 — 12 5 — 1 18 — 17 1 — 5	13 — 11 2 — 4 4 — 1 6 — 6 18 — 2 — 3
		1 — 3 — 5 5 — 1 9 — 16 4 — 2 9 — 10 — 5 — 6	5 — 1 18 — 17 9 — 7 — 8
			watching
			2 — 1 — 2 — 3 1 — 6

Sir Henry Clinton to Gen. Haldimand.

TRANSLATION OF THE FOREGOING CYPHER.

[NEW YORK,] May 31, 1781.

Sir:—Your letters of the 28th February and 1st of March, was received the 9th instant. Having wrote you fully on the 8th, I have now

only to add that the clothing, camp equipage, &c., for the German troops in Canada, as well as Major General Reidesel, and the officers and men mentioned in the enclosed returns, only wait for an opportunity to proceed to Halifax, and I have applied on the most urgent terms for a convoy to escort them thither. I have already informed you that the Admiral told me he could not spare a ship of war to see them all the way to Quebec, but that the two stationed there ought to convoy them thither from Halifax, together with the victuallers that wintered at that place.

I have not received the least intimation from home relative to the intentions of government with respect to your province.

The French fleet and troops are still at Rhode Island, and ours watching them. H. C.

The bearer has received thirty-one guineas for him and his father.

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*Report to Major De Peyster.*

(COPY.)

CAMP NEAR THE OHIO, )

August 29th, 1781. }

*Sir* :—The 26th you had enclosed an account that captain Brandt and George Girty, with the Indians, advanced upon the Ohio : had taken one of Clark's boats after having passed down the river in the night. Not thinking themselves in number sufficient to attack him, and having found by his orders to major Craigcroft that more troops were to follow under the command of a colonel Lochry, lay in wait for them, attacked and took the whole, not allowing one to escape. Agreeable to a return, it appears there has been thirty-seven killed, amongst whom is Lochry, their commandant, with some other officers.

This stroke, with desertions, will reduce Clark's army much, and if the Indians had followed advice and been here in time, it is more than probable he would have been now in our possession with his cannon.

The prisoners seem to be ignorant of what his intentions are. Perhaps Loss may oblige him to change his measures. However, we shall endeavor to keep the Indians together, and watch his motions. His first intention was to penetrate to Sandusky through the Indian country, from whence the troops from Fort Pitt were to return home and he to Kentucky.

We are, with great respect, sir, your most obedient and most humble servants,

(Signed)

A. THOMPSON,  
ALEX'R MCKEE.

*To Major De Peyster.*

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*Gen. Haldimand to Sir Henry Clinton.*

(COPY.)

QUEBEC, 29th Sept. 1781.

*Sir* :—Since General Reidesel's arrival here, I have had many conversations with him upon the subjects communicated to him by your Excellency for that purpose, particularly in that proposing a diversion from Canada to co-operate, by way of Fort Pitt, with an expedition from the southern army up the rivers Potomac and Susquehanna. To convey more perfectly to me your Excellency's ideas, and that I might the better digest them, General Reidesel has committed them to paper, of which I have the honor to transmit you herewith a copy. Satisfied that your Excellency will do me every justice, which I feel my zeal for the service of our Royal Master, and the respect I have for your Excellency's judgment deserves, I shall not take up your time with assurances of my readiness to concur with and second you in every measure by which the service might be promoted, but proceed to state to your Excellency the *impossi-*



bility of executing the design suggested from you by General Reidesel, circumstanced as we are at present in this country, and here I cannot help lamenting that the information your Excellency must have had of the practicability of that great undertaking must have proceeded from persons totally ignorant of the unavoidable difficulties in its way, or influenced by private interested views. Such, there is but too great reason to apprehend, are Mr. Crachan and Mr. Conally. The former, long employed in the Indian Department, under Sir William Johnson, but from want of inclination or want of health, has been disqualified to act since the rebellion; he has since remained in the enemy's country and claims vast possessions in the neighbourhood of Fort Pitt. The latter, it is supposed, has the same views, may be a clever man, but certainly is not possessed of the same abilities or the knowledge necessary to judge of any other than the speculative part of the undertaking they have recommended. So many and general are the obstacles to this movement that I am at a loss where or with which to begin in representing them to your Excellency. For the sake of method I shall take them in the order they occur from the plan by General Reidesel.

The proposed diversion taking place in winter is inadmissible, as it never can be done, except by water, and the lakes and rivers from Montreal upwards cease to be navigable in the month of November.

Without suggesting to your Excellency the risk of detaching from the army in this province 2,000 men, [the whole active part of the British troops,] entirely upon the supposition that the French have laid aside for the present their design against it, I shall confine myself to the difficulties of conveying and supporting so large a body of men to so very distant a field, where their whole subsistence must accompany them from the King's stores in this part of the province, received generally late in the season from Great Britain. Your Excellency will more readily conceive these when I acquaint you that it is with the utmost exertions that one regiment with a corps of rangers, which occupy the upper country, are furnished from year to year with the necessary supply of provisions, and that the garrison of Niagara has been more than once since the commencement of the rebellion within a few days of evacuating it for want of provisions. The consumption of provisions at the posts, particularly at Niagara, is so prodigious, owing to the absolute necessity of victualling the Indians driven from their habitation and attending upon the service, that with every measure in the power of economy to devise, it is scarce possible during the transport season to convey a sufficient quantity. In order to accomplish it, I have constructed storehouses about 50 miles above Montreal, to which provisions are sleighed in the course of the winter, that the water transport may begin the instant the river becomes navigable, which it does at that place a fortnight sooner than it does at Montreal. The late arrival of the provision fleet this year, makes it very doubtful whether the necessary supply can be forwarded, and at Niagara there is no resource. When it is considered that provisions with every store necessary for 12 months for 2,000 men, and a supply of the former with presents for at least that number of Indians, [of which  $\frac{3}{4}$  are women and children,] in addition to the present consumption in the upper country, (amounting at Niagara alone, one season with another, to 4000 rations per day,) must be conveyed in batteaux 200 miles up rapids, intersected by carrying places to the first lake, from thence to Niagara in vessels, then over a carrying place of 7 miles and up a rapid of 18 to Fort Erie, from whence they proceed to Presqu' Isle, it will appear to those who have a knowledge of the route a work of time. To take and maintain a post at Presqu' Isle, with a small force drawn from the garrison of Niagara and Detroit, might be easily accomplished, but to proceed into

the country, depending upon the Indians and inhabitants of the Ohio, would be dangerous and ineffectual. Fort Pitt is not to be taken by a coup de main, nor will the enemy suffer it to be surprised. It is, by the most authentic accounts I have had, one of the strongest places in this country. We have daily experience that the disposition of the inhabitants upon the Ohio is by no means so yielding to government as is represented. Those retired to that quarter and Kintuck, upon pretence of separating themselves from rebellion, are encroaching upon the most valuable hunting grounds of the Indians, and securing to themselves rich settlements. They are always ready to turn out upon our scouting parties, and never fail doing it when they have opportunities, yet when made prisoners profess their loyalty. There is no dependence upon even those Indians who are declared in our favour, and there are a number in that country our avowed enemies. In all excursions undertaken by the troops this war, there has not been a single instance where the Indians have fulfilled their engagements, but influenced by caprice, a dream or a desire of protracting the war to obtain presents, have dispersed and deserted the troops. Of this there was a striking instance last campaign in the very country in question, where a detachment from Detroit, if the Indians had gone into the views of the officer who commanded, would most probably have defeated Colonel Clark and broke up all the settlements in that quarter. It would nevertheless be impossible to succeed in any attempt in those countries without the friendship of the Indians, (by which alone we have kept possession of it,) and there is no doubt they are very useful attendants upon an army, but where success depends upon enterprize and perseverance, little must be set down to their credit in the plan of operations. Upon the whole, I beg leave to hazard my opinion to your Excellency that, unless so much were to depend upon this expedition as to abandon to it all other pursuits, offensive and defensive, in this province, in order to carry it through by dint of force and exertion, it would at present be impolitic to undertake it. To attempt it and fail would have a very fatal effect with the Indians, and to ensure success it would be the business of one season to form the necessary magazines of provisions, batteaux, stores and materials, and Indian presents, at Niagara, &c., that there might be nothing to do early in the next but to transport the troops.

I have the honor to be, with great respect and regard, Sir, Your

Excellency's most obedient and most humble servant,

[Signed]

FRED. HALDIMAND.

*His Excellency, General Sir Henry Clinton.*

P. S.—Since the above was closed, I have received a dispatch from Detroit with an account of a stroke made by Joseph Brant upon the Ohio, for the particulars of which I beg leave to refer your excellency to the enclosed. Major De Peyster informs me he is not without hopes that a large body of Indians detached for that purpose may yet fall in with Mr. Clark's main body, which it was expected would consist of 1500 men, including a body from Augusta county in Virginia and a draft from the settlements in Kintuck. The war in that country is, on our part, entirely defensive, except by scouting parties constantly employed to prevent the encroachments of settlers and to harrass the frontiers, which I encourage as much as possible. Something similar to this, but of less importance, happened the 8th ultimo in the neighbourhood of the German Flats, where a party of the Six Nations (Indians) attacked about 40 of the enemy, killed 3 officers and 19 privates, and took 8 prisoners.

Indorsed: "Copy of a letter from general Haldimand to his excellency sir Henry Clinton, dated Quebec, 29th September, 1781. 44."

\* \* \* \* to Joseph Brant.

October 3d, 1781.

*Dear Joseph:*—If you have no other object of importance in view, I request you will make a move upon Minisink and the east branch of the Susquehannah as soon as possible.

That you may not be at a loss to know who sends you this, it is the person at whose quarters you were when you had a particular conversation with General Tryon. I am, dear Joseph, yours, &c.

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*Sir Henry Clinton to Gen. Haldimand.*—[probably.]

Your Excellency has my consent to act as you have proposed with regard to Major Rogers [Roys] and the officers and the recruits under their care. The Lieutenant-Colonel is now here, having lately come in from the rebels, with whom he was prisoner, but I shall not trouble Your Excellency with any of his recommendations.

[This is without date and is printed as it stands in the Haldimand Papers, title excepted.]

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*Memorandum.*

Wynant Williams was dispatched with a letter from the honorable William Smith to ———, on the 7th of January, 1782, being Monday.

Indorsed: "Memorandum respecting Wynant Williams, dispatched on Monday the 7th of January, 1782, with letter from the honorable William Smith to ———."

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*Sir Henry Clinton to General Haldimand.*

(COPY.)

NEW YORK, February 22d, 1782.

*Sir:*—I think it right to send by express to your excellency the following intelligence which has just been communicated to me by the honorable William Smith, chief justice of this province, exactly as it was given to me by him.

"About a fortnight since an intelligent person from Connecticut suggested that tho' the rebels talked of an attack in the spring upon New York, he had strong suspicions of a preparation to invade Canada, and yesterday I learned by a direct channel that general Schuyler said to one of his confidants and yet near friend, that La Fayette went to France to propose that project, and that they were waiting to know the result."

The following intelligence has been received since the above, by another channel.

Large stores of provisions at the Falls of Ohio.

The rebel general Clarke, a very enterprising man, a Virginian, at (a place called) Kain Tuck, and is to have the command of two state regiments besides other troops, with about 1000 French and Spaniards. With these, the ensuing spring he sets off on an expedition against Detroit and its dependencies. His route is down the Ohio to the mouth of the Wabache, thence up the same to the head thereof, where we have a carrying place; from thence to Detroit. To induce the rebels to undertake this expedition, they have received accounts that our garrison is very weak at Detroit. This information to the rebels is from prisoners that have been carried to Detroit who have returned.

Some of the rebel officers say that there will be an expedition by the allied forces against Canada the ensuing summer, and it's asserted that the rebels have agreed to give the French Canada, in case the combined forces of the French and rebels should be successful enough to reduce

it. That this engagement by the rebels to the Freech is asserted by some who have seen the agreement in the proceedings of congress this winter.

New Jersey, besides an enormous sum of money to be raised by taxes to be paid in state money (or the specie money as the rebels call it) are also to raise immediately £65,000 hard money. This last sum will be out of the power of the people to pay, as very little hard money is in circulation, except near the British lines.

Indorsed: "Intelligence 1st March, 1782. Substance of it to be sent to general Haldimand."

Notwithstanding the intelligence that has been sent you respecting an intended attack on Canada, I think it more likely that the enemy will make one against this post.

I refer you to the newspapers I send you by the bearer for West India news. It is supposed sir George Rodney sailed from England about the 16th of January for the Leeward Islands.

N. B. — The bearer has received 15 guineas on account.

Riving 2d and 6th. D.

Jaim — 11th March — 3.

Be so good as to inform lieutenant colonel Maclean that I have not received any official information of his being appointed to command the artillery in this quarter, but I understand that by the death of general Williamson he is appointed lieutenant colonel to the 4th battalion.

If the bearer should receive any money from your excellency on account, pray let me know the sum:

Indorsed: "Sir Henry Clinton to general Haldimand in cypher 22nd February, 1782. Dispatched the 3d March.

O. sent p

D. — p

T. — p Davies March 13, 1782. Dispatched."

No. 34.

### *Gen. Haldimand to Sir Henry Clinton.*

A few days ago I wrote more fully. This will I hope go directly to you. I have not heard from you since your letter of the 2nd of August, nor received the least intelligence of moment from any quarter since that time. Common reports make me anxious to hear from you, and I entreat you will let me have that pleasure, not trusting to a single messenger, but by different routes. I request the same of Governor Robertson.

Sorell, March 16th.

F. H.

Indorsed: "General Haldimand to Sir C——, March 16, 1782. Received 15th May, 1782."

### *General Haldimand to Sir Henry Clinton.*

This being the nineteenth letter I have written to you by all routes since I was honored with yours of the 2nd August, the last I received, I should not be so inopportune but from almost certainty that our letters have mutually miscarried, and from the total ignorance in which I remain of the enemy's views and intentions, which common reports direct against this province. I have, therefore, to repeat my request that you will communicate to me by the most speedy and different routes, whatever may have come to your knowledge on this interesting subject, either from home or what is passing in your quarter.

Montreal, 1st April, 1782.

*From Major Ross to General Haldimand.*

OSWEGO, April 19th, [1782.]

Express arrived 15th instant. The vigilance, &c., your Excellency recommends attended to. Our exertions redoubled—cannot be surprised. Much honored by your Excellency's attention. Nothing discovered on my part as yet.

JOHN ROSS, *Major.*

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*General Haldimand to Sir Henry Clinton.*

If your Excellency sends any dispatches for me by the Pandora it is uncertain when I shall receive them, as I learn by a vessel that left York in her convoy that she is gone a cruising to Boston Bay. I at length received the dispatches of the 1st of November, the 14th of May, and the duplicate the 25th.

Please add the words "herewith" to the cypher in their proper order.

General Haldimand to Sir Henry Clinton. 29th May, 1772. Received June 22d. O. and D.

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*Same to Same.*

31st MAY. Your messengers are grown so anxious to return, that I will not longer detain them. Several ships are arrived, but I have not received a letter, am therefore in profound ignorance what the greater change at home will effect in our system here, and impatiently wait the interesting intelligence from your quarter as your Excellency shall be pleased to honor me with.

F. H.

Your messengers have received 14 guineas each.

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*Same to Same.*

QUEBEC, 14th June, 1782.

Sir :—Having lately had the honor of writing to you, and not having yet received any dispatches from England of the least moment, should this reach your Excellency it will only serve to assure you of the pleasure I have in communicating with you upon all occasions. The present is by the schooner Alexander, bound directly to New York.

The Pandora is not yet arrived, which prevents my having the pleasure of acknowledging your Excellency's dispatches by her, but it is reported that she and several arriving ships from England are in the river. I wait their arrival with much anxiety, which your Excellency will naturally conclude from the subject of my last dispatch connected with the enclosed duplicate of the short note accompanying it.

I have the honor to be, with great esteem and regard, Sir, your Excellency's most obedient and most h'ble serv't.

FRED'K HALDIMAND.

*His Excellency, Sir Henry Clinton.*

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*General Haldimand to Sir Guy Carleton.*

24th. Since the above was written, the trade fleet, under convoy of the Surprise and Assistance, are arrived at Bic. Many of the ships are come up, and I have got some dispatches, but I have not yet received your letter of the 15th of April, or any dispatches that were to accompany it. The present do not contain any particular orders, but are expressive of the system communicated to me in your Excellency's letter.

F. H.

*His Excellency, Sir Guy Carleton.*

*General Haldimand to Sir Guy Carleton.*

(No. 4.)

QUEBEC, 28th July, 1782.

*Sir* :— I have at length been honored with your excellency's letter of the 6th of April from Portsmouth, which I concluded had miscarried. I beg leave to repeat my gratulations to your excellency on the subject of it, and to assure you, sir, how very reciprocally the formal respects you are pleased to offer me are returned on my part.

Convinced we are equally desirous religiously to fulfil the duties of our respective stations, I feel and promise to myself much satisfaction from the mutual communication you propose between us. I have ever considered the article of intelligence an object of great consequence to the service, and much pains have I taken to convey, and in my attempts to procure it. The expense attending it is well bestowed, and I flatter myself that we shall not incur any that will not be very readily approved.

I was happy to hear of Lady Maria and family's welfare from Mr. Bailey. I am very sensible of that gentleman's merit, and your excellency may be assured that no opportunity shall escape me of doing every honor in my power to your commendation of him.

I have the honor to be, with great esteem and regard, sir, your excellency's most obedient and most humble servant,

FRED'K HALDIMAND.

*His Excellency, Sir Guy Carleton.**Same to Same.*

(MOST SECRET.)

*Sir* :— Amongst the Minister's dispatches dated the 22d of April, which I received the 27th of June, Lord Shelburne in one of his letters, marked "most secret," after informing me of the designs of the French on this continent, says that the preservation of this province has been so strongly recommended to you, sir, that you have the king's order to come to it yourself in case it should be attacked, and should you think it necessary, with the number of troops you may judge proper for its defense ; in that case I find myself in the same predicament I was in at Boston in the year 1775, and that the reasons which dictated the letters I at that time received from Lord Dartmouth exist at present. The King has therefore thought fit to send me his permission to absent myself from my government and command, keeping my employments and their emoluments, "which," says my Lord, "you will make use of if the date of your and Sir Guy Carleton's American commission make it impossible for you, consistent with your own feelings, to accommodate the point of rank with him."

I cannot pretend to say what ideas his Lordship may have of me, but I hope you will conceive, my dear general, that notwithstanding the real esteem I have for you, no consideration could induce me to serve under the orders of a younger officer, and as I cannot think of leaving any obstacle in the way of measures administration have thought fit to adopt, I have resolved to go to Europe, even this Fall, if circumstances should oblige you to come to this province. Otherwise I shall certainly do it in the coming Spring. I have written to this effect to Lord Shelburne, the 17th instant, in order that he may have time to make such arrangements as his Lordship shall judge necessary, and communicate his orders to you in consequence thereof. In the mean time you may rest assured, Sir, that I shall neglect nothing which can contribute to the success of this unfortunate war of which I confess to you I could have wished to see the termination, but the circumstances in which I find myself, added to an indisposition which requires resources that this country does not

afford, leaves me less to regret in quitting. Wishing you, sir, every honor and success yourself can desire, I have the honor to be, with the greatest esteem and regard,

Sir, your most obedient and most humble servant,

Quebec, 7th August.

FRED'K HALDIMAND.

This is a duplicate dated 29th July.

Indorsed : ("Most secret.") "General Haldimand to Sir Guy Carleton, 29th July, 1782. No. 11."

*General Haldimand to the Earl of Shelburne.<sup>1</sup>*

(COPY.) *Most secret.*

QUEBEC, 17th August, 1782.

*My Lord* : — Inclosed I have the honor to transmit to your Lordship a duplicate of my letter (most secret) of the 17th of July, forwarded by the Quebec.

After many and the most mature considerations of that part of your Lordship's letter of the 22d of April, (most secret,) respecting myself and comparing it with Lord Dartmouth's, to which it refers me, anxious as I am for the King's service, I fear my remaining here this Winter, (risking the late arrival of Sir Guy Carleton, when it will be out of my power to leave the Province,) might tend more to impede than forward it. I have therefore taken the following precautions for my going home in all events provided the Province remains in tranquility, which must be decided before the fleet sails.

Major General Clarke's want of experience in the very complicated and uncommon service of this country, &c., has induced me to call down Brigadier General Powell from the Upper country, who has seen every kind of service throughout the Province since the commencement of the war, and who will be an able assistant to him. I shall send up Brigadier General Maclean in his room : he has a local knowledge of that country, and is otherwise qualified for that command.

The German troops will be perfectly attended to under Major-General Reidesel, who is really, zealously, and disinterestedly attached to the King's service.

The civil department will be managed by Lieutenant-Governor Hamilton and other officers, with whom every necessary instruction shall be left, and arrangements shall be made in every branch of the service to prevent its suffering, in any respect, in the case of an inactive winter, or until Sir Guy Carleton shall come himself, or receive your Lordship's further commands respecting this Province.

This, my Lord, is my present resolution. The execution of it will depend entirely upon events, the receipt of commands from home, intelligence from Sir Guy Carleton, the invasion of the Province, &c. But let what will happen, your Lordship may rely upon my acting for the best, and from no other motive whatever but what I shall think the good of the King's service.

I have the honor to be, &c.,

(Signed)

FRED'K HALDIMAND.

*The Right Honorable, the Earl of Shelburne.*

Indorsed : "Copy General Haldimand to the Earl of Shelburne, 17th August, 1782."

*General Haldimand to Sir Guy Carleton.*

(No. 8.)

QUEBEC, Sept., 1782.

*Sir* : — I was just going to send the enclosed letter overland, when the Hussar frigate arrived in this port. Sir Andrew Snape Hammond and

<sup>1</sup> First Lord of the Treasury, and head of the British ministers.

Brigadier-General Campbell having been so obliging as to communicate to me the intelligence of a French fleet being upon the coast, which I have since heard has put into Boston.

Since the date of the within, I had not heard anything further upon the subject of it, nor received any intelligence from that quarter. I had just received a letter from Major-General DeReidesel, an extract of which I beg leave to offer for your Excellency's information, of the disappointment the Brunswick troops in the province are likely to experience. I have by this opportunity requested of Sir Andrew Snape Hammond and Brigadier-General Campbell, if practicable at so late a season of the year, to forward the clothing, &c., so much wanted; but if it cannot be done, I have to request your Excellency will give orders to have them sent as early as possible in the spring; and if the Brunswick recruits can be spared from that quarter, it will be very pleasing to General De Reidesel to have them join their corps, as well as the officers, who have been so long exchanged, that belong to the German troops in this province. Lieutenant-Colonel Carleton, tempted by so favorable an opportunity to join your Excellency, takes a passage in the Hussar, and as the service must suffer, and Lieutenant-Colonel Hope's situation be very awkward until he is declared in orders, I flatter myself your Excellency will notify Lieutenant-Colonel Carleton's appointment in the army by the very first opportunity.

The certainty of this conveyance induces me to transmit to your Excellency a duplicate of my last letter by Spanish River to Halifax, which unforeseen accidents may retard on its way to you. Major-General De Reidesel having occasion to send an officer to Halifax and New York upon business relating to the German troops, Lieutenant Shononold will have the honor to wait upon you for your Excellency's commands.

I have the honor to be, with great esteem and respect, Sir, your Excellency's most obedient and most humble servant,

FRED'K HALDIMAND.

*His Excellency, Sir Guy Carleton.*

Indorsed: "General Haldimand to Sir Guy Carleton, September, 1782."

*General Haldimand to Sir Guy Carleton.*

(No. 9.)

QUEBEC, September, 1782.

*Sir* :—Unacquainted with the terms that may be intended for the Six Nations, Indians, in the proposals for peace with America, I think it necessary to inform you as a commissioner that my having restrained them from hostilities has occasioned a general discontent amongst them. Major Ross, who commands at Oswego, has informed me that they have all left the place in disgust, and that he is in daily expectation of being insulted. They are alarmed at the appearance of an accommodation so far short of what our language from the beginning has taught them to expect. Deprived of their lands and driven out of their country, they reproach us with their ruin and the prospect of severe retaliation from the hands of the rebels.

Your Excellency is too well acquainted with the situation and interests of the people to make it necessary for me to enlarge upon the consequence in respect to the trade and safety of this Province, the expectations their services entitle them to from us, or upon the fatal consequences that must attend our abandoning them to the intrigues of the enemy should they persist in the war, or to their resentment in case of peace, and I persuaded myself they will be amply considered by your Excellency, either in a representation to the King's Minister, or in such arrangement as shall be agreed upon in this country.



Your Excellency will not understand from what I have said of the Six Nations that the King's attention should be confined to this only. Many of the Western and the Indian Nations in the neighborhood of Detroit have suffered equally by shameful encroachments of the Virginians upon their most valuable hunting grounds, and have been equally attached and serviceable to the Royal cause.

I have the honor to be, with great esteem and regard, Sir, your Excellency's most obedient and most humble servant.

FRED'K HALDIMAND.

*His Excellency Sir Guy Carleton.*

Indorsed : "General Haldimand to Sir Guy Carleton, September, 1782."

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*Extract of a letter from Major-General Reidesel, dated Sorel, 13th September, 1782.*

Captain Cleve brought out with him from Germany, clothing, camp equipage, arms and accoutrements for all the Brunswick troops in Canada. On his arrival at Halifax, he was immediately ordered to proceed with the Brunswick recruits only to Penobscot, and to remain there until he received further orders. It is a duty I owe to His Serene Highness my Master, and to the troops I have the honor of commanding, to represent the great loss they must suffer should they not receive the clothing and other stores this year, and to request the favor of your Excellency to take such steps as you may judge most conducive to procure an order for Captain Cleve's detachment being recalled from Penobscot to Halifax, and for his being sent with the recruits and stores to Canada, so soon as it can be done with safety.

Indorsed : E. "Extract of a letter from Major General De Reidesel to His Excellency General Haldimand."

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*Major-General Reidesel to Sir Guy Carleton.*

ISLE AUX NOIX, 5th October, 1782.

Sir :—Lieutenant Beckwith, of the 27th regiment, who will have the honor of presenting this letter to your Excellency, has been this last year as extraordinary Aid-de-Camp in my suit. Friendship to his brother, as well as to his family, added to the high recommendation of His Serene Highness, Duke Ferdinand of Brunswick, who is particularly attached to his father, had induced me to take him into my family, and I should have been happy to have had it in my power to be useful to him, but am frustrated in my wishes from the defensive situation of this Province, which puts a barrier to the advancement of this young officer. Thus situated, he feels himself prompted by a laudable desire to distinguish himself under the command of your Excellency, and he has applied to me for leave to return to New York to join his regiment. During the time I had the pleasure of having him with me, his conduct and behavior has met with my utmost approbation and entitled him to the claim of my constant friendship. He is in possession of great natural talents and of an excellent good character, indefatigable and resolute in the pursuit of his duty. Permit me, Sir, to recommend him to your Excellency's protection, which I shall esteem as a mark of that favor your Excellency has ever been pleased to show me.

A report prevails which gains credit, tho' not officially communicated, that the *Astrea* frigate is in the river with our Brunswick officers of convention. I request your Excellency will be pleased to accept my warmest gratitude in giving so flattering an attention to my former prayer.

This fortunate circumstance places the corps on their original solid establishment, and I shall deem myself happy if they have an opportunity of showing their zeal for the service which has at all times prevailed amongst them.

I have the honor of transmitting by this opportunity, a duplicate of the letter which I had written to your Excellency on the subject of our last transport of recruits, clothing and camp equipage, arrived at Halifax, which were sent by order of Brigadier-General Campbell to Penobscot. This accident will deprive the troops of their necessary clothing for the winter, if unfortunately taken or lost.

I am entirely at loss how to take the field next Spring. I beg leave to repeat and recommend my request to the consideration of your Excellency, and have the honor to be, with the greatest respect,

Your Excellency's most obedient and most humble servant,

RIEDELSEL.

Indorsed: "Major-General Reidesel to Sir Guy Carleton, Isle aux Noix, 5th October, 1782. Received 12th November, recommending Lieutenant Beckwith. No. 17."

*Major-General Reidesel to Sir Guy Carleton.*

(Original Duplicate.)

*By the Hussar.*

SOREL, 6th October, 1782.

*Sir*:—Count Schononold being detained some days at Quebec, gives me an opportunity of informing your Excellency that I, yesterday, received a letter from Capt'n Cleave reporting to me his arrival at Halifax with the recruits, clothing, and camp equipage for the whole Brunswick Corps. He mentions likewise that he was ordered to proceed immediately to Penobscot with his detachment, and to remain at that post until he shall receive further orders. As we have not received any clothing or stores for the last 3 years, the several regiments in Canada will be in the greatest distress if the present supply does not arrive here before the Winter sets in. I presume, therefore, to request the favor of your Excellency to order that Capt'n Cleave's detachment may be removed from Penobscot to Halifax, from whence you will be pleased to direct that these may be sent to Canada whenever circumstances will admit, if not this year, as early as possible next Spring.

I have the honor to be, with the highest respect and consideration, your Excellency's most obedient and most humble servant,

RIEDELSEL.

*His Excellency Sir Guy Carleton.*

*General Haldimand to Sir Guy Carleton.*

(Duplicate No. 10.)

7th OCTOBER, 1782.

*Sir*:—In obedience of orders I received from the King's Minister the 27th of September, 23 transports, (9,956 tons,) fitted out for the reception of troops, will sail from hence for New York the 10th instant, and 9 more will follow, I hope, in 10 days. A scarcity of bedding prevents my furnishing that article. As much biscuit as can be got ready shall be put on board.

Some of the transports with the Brunswick officers, &c., are arrived, but I have not yet received your Excellency's letters. F. H.

*His Excellency Sir Guy Carleton.*

Indorsed: "Duplicate General Haldimand to Sir Guy Carleton, 7th October, 1782. Received the 12th of November.

Advices of the sailing of 33 empty transports for New York in the month of October, in obedience of the Ministers orders. No. 19."

*Copy of a list of transports destined for New York, to sail the 9th of October, 1782.*

	Tons.
Queen.....	650
Clibborn .....	300
Argo.....	333
Camel.....	293
Minerva.....	218
Three Sisters.....	283
Blackett.....	401
Elizabeth.....	340
Hero.....	277
Rodney.....	355
Christian.....	250
Stafford.....	256
Mary.....	315
Ann.....	384
Countess of Darlington.....	265
Success.....	234
Delight.....	248
Thompson.....	218
Jane.....	270
Anne & Elizabeth.....	310
Lady Townsend.....	776
Marsh.....	269
Woodland.....	220
Total,	6,956

servicable.

And victualled for 70 days, except in bread, one-half the proportion being in flour.

N. B.—There are 3 more transports now at Spanish River : 4 arrived from New York and 2 from England, all to be fitted in like manner and to follow.

*Gen. Allen Maclean on pay of Royal Highland Emigrants.*

9th OCTOBER, 1782.

Sir :—The accounts of the 1st battalion of the Emigrants previous to the establishment were settled by His Excellency Gen. Haldimand, agreeably to the letter from the Lords of the Treasury. His Excellency appointed, by a general order, a Board of accounts, to meet at Quebec, consisting of Lieutenant Colonel Carleton, the Quarter Master General, Lieutenant Colonel McClean, and Thomas Dunn, Esqr., Accountant General and Paymaster of the Marine Department. The accounts were settled, and a balance struck by them in favor of the regiment for £2,100, and a warrant granted to Brigadier McClean for the balance.

These accounts were reported upon by the above gentlemen, to the commander-in-chief, and the accounts, with the report, transmitted to the Treasury or Pay Office. That the Pay Office had got it, is certain, for the following reasons : Last year the Pay Office re-charged the 1st Battalion with £281 17 3, being 4 months arrears to the officers of the 1st battalion, from the 25th of December 1778 to the 24th of April 1779, four months after the establishment. This re-charge was certainly owing to the irregularity of Captain Fraser, the Pay Master, in having drawn the arrears of the officers in Canada from the 25th of April 1778 to the 24th of April 1779 ; whereas the arrears should always be drawn to the end of June. On the 24th of December, the warrant granted by the commander-in-chief to captain Fraser was £845 11 8 sterling, and the whole sum in the warrant was charged in the accounts made up here,

yet the Pay Office say they would have nothing to do with the accounts previous to the establishment, but yet they charge the regiment with the 4 months arrears from the 25th of December 1778 to the 24th of April 1779, being arrears since the establishment, and refuse to give any credit, though the whole sum of £845 11 8 of which this is part is already charged to the regiment and this charge the Pay Officer never could make, but from having had the accounts settled in Canada previous to the establishment in their possession. This is all the account that can be given as it contains the whole. I am yours, &c., ALLEN MACLEAN.

(COPY.) WHITEHALL, TREASURY CHAMBERS, 25th March, 1779.

*Sir* :— Lieutenant Colonel Allen Maclean having desired the Lords' Commissioners of His Majesty's Treasury to grant their authority to your Excellency of clearing the 1st battalion of the Royal Highland Emigrants to the 24th December, 1778, and their Lordships having referred the matter to his Majesty's Secretary at War, who has reported to their Lordships that he does not apprehend there can be any impropriety in giving your Excellency an authority to clear the said corps, agreeably to such terms as may have been stipulated for the raising it, I am commanded by their Lordships to transmit to your Excellency the inclosed copy of Lieutenant Colonel Maclean's Memorial, and the Secretary at War's letter on this subject, and to signify to your Excellency their Lordships' directions and authority to clear the 1st battalion of the Royal Highland Emigrants to the 24th of December, 1778, agreeably to such terms as may have been stipulated for the raising that corps. I am, &c.,

(Signed)

JOHN ROBINSON.

*His Excellency, General Haldimand.*

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*General Haldimand to Sir Guy Carleton.*

(No. 13.)

QUEBEC, 10th October, 1782.

*Sir* :— I have to acknowledge the receipt of your Excellency's letter of the 25th of August, covering a return of the Hesse Haneau and Brunswick troops, then embarked for this place, the last of whom arrived yesterday. I shall take care that the amounts of the money paid by your Excellency's warrants to Colonel Lentz and Lieutenant Colonel de Mengen on account of Batt and forage money expressed in your letter, and the paymaster's certificate enclosed in it, may be accounted for. Not seeing any reason to send back the regiment to Losberg, except that it is the wish of the Landgrave of Hesse to have the regiment together, I am sorry that my arrangement of winter quarters and the aspect of affairs, prevent, at present, any fulfilling that wish, particularly as it is accompanied by your Excellency's. The unfavorable appearances intimated in your Excellency's letter, and that fall within my observation in this quarter, persuade me of the necessity there may be rather for a considerable increase than a diminution of my force, which suffered in the last draft of Hessian troops from this Province, promised and expected to be amply replaced. I am, with the highest regard, Your Excellency's most obedient and most humble servant,

FRED'K HALDIMAND.

*His Excellency, Sir Guy Carleton.*

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*General Haldimand to Sir Guy Carleton.*

QUEBEC, Oct. 10th. 1782.

*Sir* :— Captain Burnet will have the honor to deliver this letter to your Excellency, having given him permission to go to New York on family affairs. He continues in the station your Excellency placed him on Lake Erie, and by a constant and zealous attention to his duty merits a continuation of indulgence. He is to return by the first opportunity

and will be a safe opportunity for communication. I am Your Excellency's most obedient and humble servant,  
*His Excellency, Sir Guy Carleton.* FRED'K HALDIMAND.

*R. Mathews to M. Morgan.*

QUEBEC, 10th October, 1782.

*Sir* :—I have to acknowledge the receipt of your letter of the 25th of August, covering a note concerning the clearance of the 1st and 2d battalions of the 84th regiment, which I have communicated to his Excellency, the commander in chief, and am authorized to transmit for your information the enclosed copy of a letter from Mr. Robinson, signifying the pleasure of the Lord's Commissioners of His Majesty's Treasury respecting the first battalion under the command of General Haldimand, in consequence of which His Excellency was pleased to order a Board to examine into the accounts of the said regiment from the time of its being embodied to the date of its establishment, from the spirit of which he granted his warrant for payment of the balance that appeared due, which warrant issued the 20th of October, 1779, and was, together with copies of the account and report of the Board, regularly notified that very month to Mr. Robinson for the information of the Lord's Commissioners of His Majesty's Treasury, the receipt of which is testified by the inclosed paper signed by Brigadier General McLean. I am, sir, your most obed't serv't,  
 R. MATHEWS, *Secretary to H. Exc'l the Commander in Chief.*

*M. Morgan, Esq.<sup>1</sup>*

*General Haldimand to Sir Guy Carlton.*

QUEBEC, 11 Oct. 1782.

[No. 14.]

*Sir* :—Inclosed I transmit to Your Excellency a duplicate of my letter of the 8th inst. in cypher sent overland, and a return of the transports which sail this day for New York, comprehending those that are to follow. The present division is under the direction of Lieutenant Bradley of the Royal Navy, agent of transports, an active and intelligent officer, to whom I beg leave to refer Your Excellency for all particulars relative to the business committed to his care. I have the honor to be with the highest regard Your Excellency's most obedient and most humble servant,  
*His Excellency, Sir Guy Carleton.* FRED'K. HALDIMAND.

[Here follows a duplicate of the list of transports given previously.]

*General Haldimand to Sir Guy Carleton.*

QUEBEC, 21st Oct., 1782.

*Sir* :—I here transmit to Your Excellency duplicates of my letter of the 8th and 10th instants, and a return of the transports which sailed from hence on the 10th. I am sorry to acquaint Your Excellency that the number of the second division is reduced to four which came from New York, owing to the three vessels sent to Spanish River for coal not having yet arrived, the transport Maria being totally unfit for service, and the necessity of my employing the transport Amazon to carry the officers of the 47th regiment and the invalids of the army to Europe, having in vain even endeavored to procure passages for them in the Merchant's Ships. Should the coal ships return (of which from their long absence I have some apprehensions) every exertion shall be made to forward them with the utmost dispatch to New York. I have the honor to be, Sir, Your Excellency's most humble and most obedient servant,  
*His Excellency, Sir Guy Carleton.* FRED. HALDIMAND.

<sup>1</sup> See letters of Maclean and Robinson, *ante*, 353, 354.

*General Haldimand to Sir Guy Carleton.*

[No. 17.]

QUEBEC, 21st October, 1782.

*Sir*:—At the request of Lieutenant Colonel De Rauchenplat's communication in the enclosed copy of a letter from him, I have given permission to Major De Wietershiem (who will have the honor to deliver this letter,) to proceed to New York for the purpose expressed in the said letter, should your Excellency think fit to approve of it. I have the honor to be, with the highest regard, Sir, Your Excellency's most obedient and most humble servant.

FRED. HALDIMAND.

*His Excellency, Sir Guy Carleton.**General Haldimand to Sir Guy Carleton.*

Duplicate. The original in cypher. [No. 18.] QUEBEC, 30th Oct. 1782.

*Sir*:—I was not so fortunate to receive your letter of the 25th of September until the 27th of October, a season of the year which (it is unnecessary to acquaint Your Excellency) does not admit a possibility of having a return from Halifax by water to any communication from this place. I cannot therefore avail myself of your orders to Major General Patterson to reinforce me upon *my* application; such reinforcement (from the intelligence Your Excellency has favored me with, corroborated by accounts from the Upper Country,) would at present have been very acceptable, and have enabled me to push up a stronger detachment than I have done into that country this Fall to oppose the attempts of the enemy which will naturally be on foot very early in the Spring, long before the communication with this country opens. The messengers have received between them 35 guineas and two Fuscus.

FRED. HALDIMAND.

*Return of Prisoners belonging to the Provinces of New York and Pennsylvania.—[Nov. 2, 1782.]*

	Names and Rank.	Age.	Where and	When taken.
	John Boyd, captain,		Pennsylvania,	
	John Campbell, colonel,		Virginia,	
	Tho. Stodeling, captain.	27	Ohio,	24th Aug. 1781.
	James Salmond, do.		Pennsylvania,	April do.
5	John Bitely, brothers of bad	27	Fort Edward,	18 June 1782.
	James Bitely, character.	24	do.	do.
	Dan. Hull,		Ohio,	21st March 1780.
	Henry Duggan,	35	Jenta,	3 June 1781.
	Lewis Field,		Ohio,	6 July 1780.
10	Jno. Osborne,		do.	10 Mar. 1781.
	Jos. Reddell,	23	Kentuck,	24 June 1780.
	Stephn Shelton,	21	Ohio,	1 do.
	Wm. Hurst,	22	do.	24 Aug. '81.
	Jas. Parkenson,	28	do.	22 Mar. do.
15	Hugh Moore,	33	} Ohio,	28 Aug. do.
	Kiel Quickley,	25		24 do. do.
	Jno. Hopkins,	35		22 Mar. '82.
	Wm. Rooke,	22		24 Aug. '81.
	Mich. Hare,	33		do.
20	Wm. Christie,	17	Westmoreland,	20 April '80.
	Dan McKinney,		} Ohio,	22 Octr. do.
	Chrstr Williams,	34		22 Mar. '82.
	Tho. Adgeston,			1 April do.

	Names and Rank.	Age.	Where and	When taken.
	Chas. McGuin.	20	Ohio.	24 Aug. '81.
25	Jacob Timberman.	22	Conagohary.	1 Aug. '81.
	Alexr. Burns.	45		21 Aug. do.
	Robt. Wilson.	22	Ohio.	24 do. "
	Jas. Hulson.	21		22 Mar. '82.
	Geo. Mason.	23		24 Aug. '81.
30	Jno. Burnet.	38	Kentuck,	15 April 1782.
	Dan. Asberry.	21		8 Feb. '78.
	Geo. Robertson.			28 do. '82.
	Geo. Faulkner.	27		15 May '80.
	Wm. Brooks.	23		8 Feb. '80.
35	Jas. Carttey.	41		13 Sept. '81.
	Jacob Lawrence.	20	Ohio.	24 Aug. "
	Levi Tilt.	28		25 May "
	Wm. Garratt.	33		26 Mar. '82.
	Jno. Porter.	30		22 Aug. '81.
40	Wm. Mars.			24 do. "
	Hy. Franks.			" do. "
	Elisha Benedict.	18		17 Oct. '80.
	Wm. Boggs.	19		20 July '81.
	Jno. Neall.	32		22 Mar. '82.
45	Jno. Fitch.			" do. "
	Hen. Gofflin.	26		28 July '79.
	Condrick Cottonum.	17		16 Mar. '82.
	Rt. Lyons.	33	Susqhana.	31 do. '79.
	Jno. Every.	38		30 do. '80.
50	Dan Vincent.	30		28 July '77.
	Peter Williams.	28		" do. "
	H. Gould.	38		
	Beth. Vincent.	26		do.
	Elias Williams.	40	Horningburn.	7 April 1780.
	Michl. Freeland.	30		
	Benedt Sugder.	42		23 Oct. "
	Ludwich Thomas.	20		28 July do.
	Thomas Smith.	22		23 Dec. 1780.
	Gilbert Williams.	20		Apr. '82.
60	Jno. Ore.	14	Fort Pitt.	16 Mar. "
	Edwd. Sherlock.	20	Fort McIntosh.	23 Oct. '80.
	Petr. Houghabone.	26	Conagohary.	do.
	Wm. Hatch.	21	do.	3 do. '81.
	Josa. Spencer.	16	Butwell.	2 Apr. "
65	Hy. Smith.	17	Fort McIntosh.	23 Oct. '80.
	Petr Murray.	19	Conasadago.	26 Feb. "
	Jos. Petry.	29	Ohio.	22 Mar. '82.
	Robt. McConalty.	25		21 Decr. '81.
	Elisha Freeman.	48		19 Mar. "
70	Peter Parker.	24		26 Feb. "
	Jacob Petry.	29		21 Dec. "
	Edwd. Freeman, junr.	17		23 Oct. '80.
	Rowld. Potter.	22	Conasadago.	19 Feby. '81.
	Jacob Smith.	45	Freehold.	25th Augt. "
	Presley Peak.	19	Buffalo Creek.	5th June '82.
	Josa. Collins.		St. Duskey.	7 do. '81.
	Josh. Chambers.	34	Westmoreland.	

NICHOLAS MURRAY, Commissary of Prisoners.

*Return of Prisoners belonging to New York and New England.*

QUEBEC, November 2d, 1782.

	Names and Rank.	Age.	Where and	When taken.	
	Frans. Payne, } Lieuten-		Prov. of N. York,	11 Oct. '80.	
	Corns. Baldwin, } ants,			10 do. "	
	Corns. Atkinson, }			23 do. "	
	Andw. Garratt, }			11 do. "	
5	Wm. Lightall, } Ensigns.			" do. "	
	Caleb Benedict, }			17 do. "	
	Nathan Brown, Captain.			16 July "	
	Pritchuan [Pilchuan] Cleves,			16 June	
	Wm. Graves,			21 July	
10	Jno. Fearon, }			do.	
	Adam Revel, } Lieuten-			16 June	
	Jno. Irvin, } ants,			do.	
	Abrm. Rowe, }		Gulf of	7 July	
	Tho. Downing,		St. Lawrence,	21 do.	
15	Jno. Harris,			16 do.	
	Dan. Foster, Mate,			16 June	
	Sl. Hildreth, Surgn,			16 do.	
	Jacob Oliver, Master,			16 July	
	John Melvin, } Prize Mas-			do.	
20	Paul Foster, } ters,			21 do.	
	Aaron Lee, }			do.	
	Ebenezr. Tarbox, P. Master,	26		7 July '80.	
	Benjn. Henderson,	17		16 do.	
	Jno. Jacobs,	15	Gulf of	16 do. '80.	
25	Nathn. Brown,	17	St. Lawrence,	do.	
	Jas. Beeth, [Booth ?]	22	Fort Stanwix,	2 Mar. '81.	
	Josh. McInolty,	25	Morland,	7 June '81.	
	Joel Savage,	20	German Flats,	7 Sept. "	
	Sl. Gates,	23	Fort Ann,	10 Oct. '80.	
30	Jacob Newkirk,	53	Mohawk River,	23 do. "	
	David Patnam,	26	German Flats,	7 Sept. '81.	
	John Forbes,	32	do.	3 May '80.	
	Ephraim White,	38	Fort Stanwix,	4 Mar. '81.	
	Jacob Cosley,	42	Mohawk River,	23 Oct. '80.	
35	Mark Cosley,	17	German Flats,	do.	
	Tim'y Franks,	41	do.	11 Mar. '82.	
	Wm. Garlagh,	53		11 June "	
	Peter Curtner,	56		11 July "	
	Conrad Ford,	22	Mohawk River,	5 do. "	
	Christr. Ely,	53		21 June "	
	Jas. Vanslack,	32		3 Apr. '80.	
	Geo. Dockleader,	65	German Flats,	24 Oct. "	
	Christr. Miner,	40		do.	
	Jasper Edwards,	35		22 Mar. '81.	
	Enoch Wood,	20	Mohawk River,	6 July "	
	Solomon Smith,	17		24 Oct. '80.	
	Elisha Sprague,	22	Fort Ann,	17 Oct. "	
	Elias Plumer,	22	Jancutta River,	Oct. '79.	
	Benjn. Napp,	18	Fort Ann,	10 Aug. '80.	
50	Oliver Harwood,	19	Fort George,	1 Oct. '81.	
	Peter Mellor,	26	Sopus,	19 June '80.	
	Jas. Rose,	20	Fort Stanwix,	23 Oct. "	

Seamen.



	Names and Rank.	Age.	Where and	When taken.
	Peter McDonald,	30		Aug. '79.
	Edw'd Sawyer.		Ellis' Mills,	22 June '82.
55	Wm. Blameless,	18	Fort Stanwix,	23 Oct. '80.
	Jno. Caldwell,	22	Fort Ann,	10 " "
	Elija Lawrence.	18		11 " "
	Rd. Larabee,	20		" " "
	D'd Southwick,	19		" " "
60	Alex. Barr,	24		" " "
	Tim'y Force,	46	Fort George,	" " "
	Jno. Thomas,	32		" " "
	Henry Wrackley,			" " "
	Jerem'h Smith,	23		" " "
65	Josh. Bennett,	22		" " "
	Josiah Holister,	28	Ballston,	17 " "
	Alex'r Henderson,	24		10 " "
	Corn's Vantassel,	35		" " "
	Jas. Guy,	25		" " "
70	Tim'y Guy,	34	Fort Ann,	" " "
	Jno. Foster,	24		" " "
	Jno. Gifford,	21		" " "
	Nathan Cherester,	20		" " "
	Jno. Renalds,	26		" " "
75	Winslow Heath,	37		10 " "
	Jno. Hathaway,	26		" " "
	Day'd Allen,	36		" " "
	Alx'r McNutt,	20	Fort Ann,	" " "
	Hen. Smith,	19		" " "
80	Wm. Gilt,	28		" " "
	Abr'm Braman,	28	Fort Stanwix,	23 " "
	Step'h'n Lute,	21	Mohawk River,	24 " "
	Seth Howell,	45	Fort Stanwix,	2 Mar. '81.
	Jacob Dennis,	54	German Flats,	24 Oct. '80.
85	Rutolph Caller,	21	Kingberg,	2 Aug. '81.
	Bodjah Hutchinson,	26	Royal Town,	16 Oct. '80.
	Jas. Betts,	22	Fort Stanwix,	2 Mar. "
	Jos'a Palmaster,	50	Ballston,	17 Oct. "
	Edw'd Curvin,	22	Fort Stanwix,	2 Mar. "
90	Cuthb't Steel,	18	Kingsbury,	30 June "
	Justman Roe,	25	Fort Stanwix,	23 Oct. "
	Chas. Holman,	58		3 " '81.
	Morris Keith,	18	Fort Edward,	12 June '82.
	Paul Martin,	40	Woods,	24 Oct. '81.
95	Abadijah Virgin,	23	Fort Stanwix,	23 " '80.
	Jno. Albright,	21	do.	9 Aug. '81.
	T. Tholp,	25	Schoharrow,	7 April '80.
	Ob'r Smith,	24		23 June, '82.
	Step'h'n Ames,	19		" " "
100	Jno. Walloral,	38		26 May '81.
	Jacob Remor,	22		" " '82.
	Day'd Skiller,	19		22 June '81.
	Bajer Valentine,	37	Mohawk River,	13 May "
	Jno. Gramer,	26		26 April '82.
105	Jno. Brockman,	17		" " "
	Wm. Bouck,	45		1 Aug. "
	Jno. Willever,	22		24 May '81.

	Names and Rank.	Age.	Where and	When taken.
	Philip Carger,	16	) Mohawk River,	24 Oct. '81.
	Jacob Carger,	32		" " "
110	Conrad Fletcher,		)	11 July '82.
	Thos. Shoemaker,	18		22 June "
	George Edy,	24	) German Flats,	6 " '80.
	And'w Piper,	21		22 " '82.
	Hen. Shover,	30		12 Mar. '80.
115	Law'nce Harteer,		Ellis' Mills,	20 June '82.
	Mich. Stobage,	18	Currystown,	24 Oct. '81.
	Nath'l Bird,	33	Crown Point,	10 July '82.
	Alex'r Noel,	23		15 June '80.
	Henry Shultz,	48	Stonerobin,	23 July '81.
120	Jno. Shultz,	37	do.	" " "
	John Coon,		Pro'ce N. York,	11 Oct. '80.
	Jno. Frisby,	14		6 Dec. '81.
	John Skillen,	23	Bultassel,	16 April '82.
	Felix Benedict,		Pro'ce N. York,	11 Oct. '80.
125	Wm. Shultz,	26	Stonerobin,	23 July '81.
	Jas. Gordon,	19		17 Oct. '80.
	Esias Benedict,	18		" " "
	Thos. Barnham,	34	Ballston,	" " "
	S'l Tarrey,	29	Cohohas,	15 June '82.
130	Nath'l Leger,	27	Sudbury,	3 Aug. '81.
	Jno. Nealey,	28	F. Freeland,	20 July '79.
	Jno. Coughy,	30	Salt River,	16 April '81.
	Silas McWithes,	30	Kingsbury,	2 Aug. "
	Matt'w Claghorn,	64		18 April '82.
135	Jno. Cookeley,	26	Albany,	7 Aug. "
	Jno. Tubbs,	34	do.	" " "
	Thos. Hunter,	24	Corinth,	" " "
	Jacob Tanner,	38	Currystown,	25 Oct. '81.
	Jno. Lewis,	43	Caughnawaga,	" " "
140	Josh. Mires,	21	do.	22 May '80.
	Ben. De Lene,	37	Johnstown,	" " '79.
	Jas. Van Camp,	52	German Flats,	3 April '80.
	Ben. Clarke,	27	Sudbury,	3 Aug. '81.
	Is'c Keeler,	22	Fort George,	11 Oct. '80.
145	Joshua Drake, Captain,		Pro'ce N. York,	23 Oct. "
	Henry Covel,	22	Canada,	7 Sept. '81.
	S'l Patchin,	26	Ballston,	17 Oct. '80.
	Is'c Patchin,		Seoharrow,	7 April "
	Pregist Patchin,	24	do.	" " '81.
150	Absalom Farewell,			
	Benj'n Geer,			
	Chas. Shulton,			
	Peter Timber,	22		Boy, [Seaman.]
	Jas. Turner,	44		
155	Aaron Purbeck,		G. St. Lawrence,	July '82.
	Jacob Giere,		Mohawk River,	'79.
	Welcome,		G. St. Lawrence,	

(Remark.) Lieutenant of the dispatch had been left as a hostage for the officers that went in the cartel to Morton.

RICH'D MURRAY, *Commissary of Prisoners.*

Indorsed: "Return of prisoners belonging to the Province of New York and New England."

Quebec, 2d November, 1782.

*Gen. Haldimand to Sir Guy Carleton.*

[No. 19.]

QUEBEC, 11th November, 1782.

*Sir* :—The prisoners of war have been at length collected for the purpose of exchange, and such of them as could not with propriety be sent over Lake Champlain, shipped on board a vessel at this place for Salem. I judged it prudent upon receipt of your letter, communicating the resolution of an attack upon the upper country, and hearing by a rebel newspaper that they had broke up the cartel to separate the prisoners belonging to Virginia, Pennsylvania, &c., from those of York country and neighborhood, and send them immediately to New York, under convoy of His Majesty's sloop Drake, as there are many of them principally interested in the encroachments upon the Indian country, and who in case the designs communicated in your letter should take place, will prove very dangerous enemies to us in that quarter. Of this number is a colonel Campbell, a man of abilities and influence and the most determined avowed rebel we have known here. The Indians in general, but particularly at Detroit, complain heavily of our permitting prisoners to return to their homes during the war, and have frequently upbraided us with exposing them a second time to the resentment of the same enemy. They are particularly anxious for the detention of colonel Campbell, and have formally requested it, although I cannot take upon me to depart so far from the instructions of the King's Minister, circumstances unknown to me may authorize it on your part. I have therefore thought fit to put it in your power.

A few prisoners are arrived at Montreal from the upper country which cannot be sent by this present. I have the honor to be with great regard, Sir, your Excellency's most obedient and most humble servant,

FRED. HALDIMAND.

*His Excellency, General Sir Guy Carleton.*

P. S. Enclosed is a duplicate of my last letter in cypher, and lists of the prisoners of war sent by this present to New York and to Boston.

F. H.

*Gen. Haldimand to Sir Guy Carleton.*

[No. 20.]

QUEBEC, November 11, 1782.

*Sir* :—My messenger returned by way of Halifax the 4th instant, with your letter of the 9th of September, a duplicate of the same, one of the 25th of August, and one of the 6th of September.

Should the King's service and this province require a reinforcement of troops, which it certainly will if the invasion of the upper country mentioned in your former letter or the evacuations rumored in the colonies should take place, I shall make the earliest application possible to major-general Patterson, in the consequence of your instructions to him. In either of these events your knowledge of the service of this province and of the troops which in general compose the army in it, will point out the necessity for a strong reinforcement and of the best troops.

I have the honor to be with great regard, Sir, Your Excellency's most obedient and most humble servant,

FRED. HALDIMAND.

I take the liberty to inclose a letter for Lietenant-Colonel Carleton, which was sent after my messenger to the Hook.

*General Haldimand to whom it might concern :<sup>1</sup>*

As the contents of this dispatch more nearly concern the happiness of the Americans than the King's service, I have desired the messenger, in case of falling into the enemy's hands, not to destroy but to deliver it up, and I here request it may be immediately forwarded to General Washington, and expect that no injury or insult be offered to the messenger.

QUEBEC, 17 February, 1783.

FRED. HALDIMAND.

[No. 21.]

QUEBEC, February 17th, 1783.

Sir :—I have very lately received letters from Brigadier General Maclean, commanding in the upper country, accompanied by a speech from the Six Nation Indians, so strongly expressive of their resentment and determination to retaliate the late barbarity committed by the Virginians, and in the total destruction of a Shawanese settlement, (Standing Stone Village,) and the indiscriminate massacre of all its inhabitants, that I think it my duty to the King's service to communicate their resolution to you for the purpose of representing to General Washington the fatal consequences which must unavoidably follow the unwarrantable advantage which has been taken of my restraining (in consequence of orders from the King's Minister) the light troops and Indians from offensive war in that quarter. I have employed every argument in my power to suggest, to dissuade the Indians from their purpose, at the same time cannot passively look on and see their country ravaged, their women and children murdered for the royal cause. I have therefore promised to assist them with troops, and by every means in my power to oppose the incursions of the enemy into their country, and I shall most faithfully perform it. The difficulty and uncertainty of communicating at this distance with General Washington, prevents my addressing him myself upon this interesting subject, but your situation affords you a facility of doing it which I request you will improve, should you, as I do, think it necessary for the King's service, for which purpose I enclose to you an extract of a speech delivered by the Six Nations.

On the 10th of January I received a duplicate of your letter of the 26th of October, acknowledged in my letter of the 11th of November.

Reports have lately circulated here that Charleston is evacuated ; that the French fleet and army have departed for the West Indies ; that Lord Howe has effectually relieved Gibraltar and obtained some advantage over the combined fleets, with many others that may be equally true or false, and which I can neither confirm or contradict, not having received the least official communication from any quarter since your letter of the above-mentioned date.

I have the honor to be, sir, your Excellency's

most obedient and most humble servant,

FRED. HALDIMAND.

*His Excellency, Sir Guy Carleton.*

*Extract of a speech delivered to Brigadier General McLean by the principal chiefs and warriors of the Six Nation Indians, assembled in Council at Niagara, the 11th of December, 1782. Tiaquando, speaker.*

We thank the Great Spirit for this opportunity of meeting the general and other officers here assembled on this particular occasion, as it gives

<sup>1</sup> Doubtless an open letter sent by the bearer of the dispatch No. 21.

us the power of laying before him and Colonel Butler the results of our deliberations in a late Council of the Chiefs, held at one of our villages in consequence of intelligence we received from our brothers the Shawanese, informing us of their late misfortune, their Lower Town having been cut off by the perfidious cruel rebels, at a time when they and we were forbid to go to war, and directed to cease hostilities by the great General of your brother the King of England, and upon our agreeing to obey the orders of the General, the perfidious rebels have taken the advantage of our inactivity, and have come like thieves in the night, when the Shawanese warriors were out at their Hunting Grounds, surrounded one of their towns and murdered all their women and children. We therefore think it proper to acquaint you, that you may let the great General know, that we shall remain no longer idle and see our brethren and people destroyed by these cruel rebels, since the fate they have met with may be ours next, if you do not go to war to prevent it. We therefore desire that you will request the great General in our name to assist us heartily in sharpening our axe.

We have lately mentioned unto you the cruelties committed by the rebels upon our young brethren the Shawanese, and we are persuaded there is no reliance to be had on the faith or promises of the rebels, whose unparalleled cruelties lately destroyed the poor Moravian Indians, their near neighbors, who never went to war against them or any other people; yet under the cloak of friendship they murdered them in cold blood, and reduced their bones to ashes, that the murderers might not be discovered.

In the year 1779, when the rebels attacked the villages of the Six Nations, their cruelty was equally great, for at the Onondago Town (of which I am one of the principal chiefs) they put to death all the women and children except some of the young women, whom they carried away for the use of their soldiers, and were afterwards put to death in a most shameful manner, yet these people call themselves Christians. We have been so long deceived by the rebels that we can no longer trust to their words, and we find by sad experience that the enemy profit by the lying still and following the advice of the General. We are therefore resolved that in future we will act upon their own principle and shew them no lenity or mercy, and we hope for assistance from the great General, and that he will not find fault with us for following the example of the rebels, and tho' we have hitherto in general refrained from retaliating their cruelties, except in the instance of Colonel Crawford, the principal agent in the murder of the Moravians, and he was burned with justice and according to our custom; yet we make no doubt that the rebels will imagine that our not going to war proceeds from fear. We therefore propose to send a flag to them to acquaint them that we shall in future follow the example set us by themselves, seeing it is their intention to destroy the Indians and possess themselves of that country.

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*Gen. Reidesel to Sir Guy Carleton.*

SOREL, June 21, 1783.

*Sir* :—His Excellency, General Haldimand, having permitted me to send an officer to New York by land, I seize the occasion to acknowledge the receipt of three letters from Your Excellency during the course of last year and this spring, enclosing a small note, all which I regularly answered by the way of Halifax and Penobscot.

Your Excellency's last letter Count Schononold delivered me the 2nd instant. It leaves me but little hope that our prisoners of war can join

us before we leave this Province, as we are now under orders to march on the shortest notice. I therefore take the liberty of sending Lieutenant Danier, the officer who will deliver this, to request Your Excellency's protection for Lieutenant Reineking, the officer who is now at New York and who is to conduct our prisoners of war when exchanged to Germany. As he is a confidential officer, I presume to request Your Excellency will let him have such sums of money as he may be in need of from time to time, to supply the just demands of the exchanged soldiers under his command. As our prisoners have been hitherto dispersed in two different Provinces, those of the convention in Pennsylvania and those of Bennington, to the 7th of October, in Massachusetts Bay, their being collected together to Europe would be of great use to the service, as it would assemble more officers to take care of the men.

Your Excellency having always so effectually protected His Serene Highness' my master's troops, he now with every confidence of its continuance gives them up to Your Excellency's goodness.

Madam de Reidesel as well as myself are highly sensible of Your Excellency's kind recollection of them, and you may be assured, Sir, we shall ever retain the warmest respect and attachment for yourself and family.

I have been honored with a letter from Lord North, signifying the King's pleasure that we shall return to Europe, with a most flattering compliment from His Majesty on the condition of the Brunswick troops as well as my own during the war. The transports have been spoken with off Newfoundland and are daily expected. We shall embark immediately on their arrival, sail for Europe, and I hope to have the agreeable opportunity of personally paying our respects to Lady Maria.

I beg leave to recommend in the best manner to Your Excellency the bearer hereof, Lieutenant Danier, and as I am very desirous of seeing him again before we sail, to know in what situation our troops to the southward are, I request he may be allowed to return as soon as possible.

I have the honor to be with most profound respect, Sir, Your Excellency's faithful and obed't serv't,

RIEDESEL.

*His Excellency, General Sir Guy Carleton, &c., &c., &c.*

Indorsed: "Major-General Riedesel (Sorel, 21 June, 1783,) to General Sir Guy Carleton. Received 1st July, 1783."

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*Lieut. Thompson to Major MacKenzie.*

QUEBEC, June 28th, 1783.

Sir:—I think it proper to inform you that I arrived here in the afternoon of the 24th instant, having been twelve days on the journey. I delivered Sir Guy Carleton's dispatches to the commander-in-chief of this Province and wait for orders to return.

I have the honor to be, Sir, your most obed't humble serv't,

HENRY G. THOMPSON, *Lieut. of Artillery.*

*Major MacKenzie, &c., &c.*

Indorsed: "Lieutenant Thompson, Royal Artillery, Quebec, 28th June, 1783. Received 10th August, addressed Major MacKenzie, Deputy Adjutant-General, New York."

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*General Haldimand to Sir Guy Carleton.*

QUEBEC, 7th July, 1783.

Sir:—I have to acknowledge the receipt of your letters of the 4th and 6th ultimo, (by Lieutenant Thompson,) communicating His Majesty's

commands to you respecting the return of the German troops to Europe, and have in consequence thereof determined to send those belonging to the Canada Establishment directly to the Downs, instead of Canada as it was at first intended. Having received a similar order respecting the German troops here, I am preparing to embark them, and as they are to rendezvous in the Downs, they will be joined by the troops from the southward belonging to them.

Influenced by a sense of the services and sufferings of the unfortunate loyalists, and of the cordial attention and assistance they met from government, I have long since taken every preparatory step in my power to afford such of them as are within my knowledge every succour the Province as an asylum can produce, and if the families mentioned in your Excellency's letter should continue in their resolution of coming to this country, they will meet with the like reception. Confident that altho' I have not yet received any instructions upon that subject, my endeavors to fulfill His Majesty's benevolent disposition for the protection and relief of his distressed subjects will be honored with his approbation,

I am, sir, your Excellency's most obedient

and most humble servant,

FRED. HALDIMAND.

*To His Excellency, General Sir Guy Carleton.*

*Major Gray to Gen. Haldimand.*

Sir :— My own situation, in the loss of all my property by this rebellion and now left destitute to support my family, makes me take this liberty to beg Your Excellency's interest for some support. I have taken the same liberty with Lord Amherst, as his Lordship knew my services last war in America under his eye. I have entered the service as an officer in the year '45, and served in Lord Loudon's Regiment till reduced in 1779, came a Lieutenant in the year 1756 to this country, and served till the war was over in the 42nd regiment. Those services induced me to trouble your Excellency for protection in my old age.

I have the honor to be Your Excellency's most humble servant,

MAJOR JAMES GRAY, *Ri. R. Reg't, New York.*

MONTREAL, 15th July, 1783.

*Major Gray to Sir Guy Carleton.*

MONTREAL, 15th July, 1783.

Sir :— In the absence of Sir John Johnson, who is lately gone to the upper country on public duty, it has been thought advisable as well by myself as by the captains of the first Battalion of the King's Regiment of New York, from a conversation had with Sir John, to address Your Excellency on the subject of our situation.

I transmit a return of the officers' rank, name, and services, as we do another via Quebec, for Messrs Bishop and Brummell, agents for the regiment.

Nothing could have induced me to take this liberty with Your Excellency but the consciousness we all have felt that the regiment was raised by your appointment and authority and fostered by your good auspices so as to be at present estimated a respectable corps.

We have only to regret that notwithstanding this favorable commencement and our faithful services, we find ourselves in an inferior predica-

ment to many other late provincial corps, our juniors in military standing. To whatever cause this may be attributed, we persuade ourselves that when Your Excellency recollects our having been the first regiment raised on that establishment, and our constant duties since, it may prove a means of purchasing us that station and attention which from Your Excellency's countenance and our grateful experience of your past approbation, we were flattered with the hopes of through our steady services and unremitted endeavors to merit the continuance of your protection.

I have the honor to be on behalf of myself and your officers, Sir, Your Excellency's most humble and most obed't serv't,

JAMES GRAY, Major.

*His Excellency, Sir Guy Carleton.*

*General Haldimand to Sir Guy Carleton.*

QUEBEC, 15th September, 1783.

*Sir* :—On the 29th ultimo the last of the transports with the loyalists mentioned in your Excellency's letter of the 4th of June last arrived at this place. I have done all in my power to expedite their return, and they will sail this day.

I have ordered a passage for a number of seamen who are desirous to seek for employment at New York, having been discharged from the Lake service in this Province, and I have permitted four families of loyalists to return to York at their particular requests, finding themselves disappointed in the sanguine hopes they had formed of the country.

I am, sir, your Excellency's most obedient

and most humble servant.

FRED. HALDIMAND.

*His Excellency, Sir Guy Carleton.*

*John Porteus and others to Sir Guy Carleton.*

*To His Excellency, General Sir Guy Carleton, Knight of the Bath and Commander-in-Chief, &c., &c., &c.:*

PLEASE YOUR EXCELLENCY :—We have taken the liberty to request of your Excellency a few lines of recommendation to Governor Parr, whom we have memorialized to grant us lots in the town of Shelburn, on the same footing as Messrs. Harvey and Watson, and whereto our business prevents our going till next spring.

We have enclosed your Excellency our memorial and wish to have it, with your approbation, to forward with Messrs. Harvey and Watson, now bound to Nova Scotia, who will present it.

We hope your Excellency will pardon our troubling you at this late hour, which our former disappointment was the cause of.

We are, with the greatest respect, your Excellency's most humble and obedient servants,

JOHN PORTEUS,  
SAMUEL DOUGLAS,  
DONALD MACLEAN,  
THOMAS ROACH,  
ANDREW MITCHELL.

New York, 15th November, 1783.

Indorsed : "Petition of Messrs. Porteus and others to Sir Guy Carleton, November 15th, 1783."



## OPINIONS OF THE NEGOTIATION.

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SAMUEL WILLIAMS, LL. D., is the earliest Vermont author, not a party to the negotiation, whose opinion is preserved. A contemporary with most, if not all, who were in the secret of the negotiation, he unquestionably expressed their representation of the case, and that generally believed in Vermont at that time. He wrote thus :

On the part of the British, it [the negotiation] consisted of constant attempts and endeavors to persuade the leading men of Vermont to renounce their allegiance to the states of America, and become a British province. On the part of the gentlemen of Vermont, the correspondence consisted of evasive, ambiguous, general answers and proposals ; calculated not to destroy the British hopes of seduction, but carefully avoiding any engagements or measures that could be construed to be *an act of the government* ; and it had for its object, a cessation of hostilities, at a time when the state of Vermont, deserted by the continent, and unable to defend herself, lay at the mercy of the enemy in Canada.

Eight persons only in Vermont were in the secret of this correspondence.<sup>1</sup> Each of them were known to be among the most confirmed friends to the American cause. They had avowed their sentiments and embraced the cause of their country, from the beginning of the American war. They had suffered severely, often borne arms, and done every thing in their power, to defend the independence of the states ; and through the whole of this correspondence, they gave the most decisive proofs that they could not be bought or bribed, by any offer of wealth or honor.<sup>2</sup>

It may be doubted how far such a measure was justifiable, in that, or in any other state of things. On the one hand, it may be said,

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<sup>1</sup> *Ante*, 7.

<sup>2</sup> *Natural and Civil History of Vermont*, second edition, 1809, Vol. II, 214, 215.

when the safety of all America was in question, and in much danger, nothing ought to have been done to encourage the enemy, that they should be able to divide, and thus subdue the continent. On the other hand it may be urged, that when thirty thousand people were deserted by the congress, and become the objects of the intrigues and policy of the adjacent states, it was as justifiable and necessary for them, to provide for their safety, as it was for the rest of the continent. If there was no other alternative for the people of Vermont, than to be divided, subdued, and delivered over to the power of their ancient enemies, their leaders will not be blamed for taking necessary and adequate measures to prevent such an evil. In such a situation, it was scarcely possible for the people of Vermont to believe that they could be under any moral obligation to sacrifice themselves, to procure independence for those, who, by the act of their representatives, had rejected them from their confederation.

But whatever may be thought respecting the propriety of such policy, the event shewed that the gentlemen of Vermont had formed a sound judgment with regard to the effect. Flattered with the prospect, that they should draw off a considerable part of the continent to their government and measures, the British carefully avoided all hostilities against Vermont, restored her prisoners, forbade their troops to enter or attack her territory, and considered the people rather in the light of friends than enemies.<sup>1</sup> Thus while the British generals were fondly imagining that they were deceiving, corrupting and seducing the people of Vermont, by their superior arts, address and intrigues, the wiser policy of eight honest farmers, in the most uncultivated part of America, disarmed their northern troops, kept them quiet and inoffensive through three campaigns, assisted in subduing Cornwallis, protected the northern frontiers, and finally saved a state.<sup>2</sup>

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<sup>1</sup>The correspondence discloses the fact that Sir Henry Clinton, gen. Haldimand, and his commissioners, all counted *the people* of Vermont decidedly against them. Why then did they persist in attempting to secure, by negotiation with the minority, what they could easily have won by force? The answer is found in the fact that the British Cabinet kept their generals under instructions, on the conciliatory policy of 1778-9, until, by the capture of Cornwallis, their military power in America had been broken. Force was contemplated against Vermont in April, 1782, but then it was too late. On the 4th of that month the British Cabinet had directed a suspension of hostilities, and they were not renewed.—*Ante*, 176, 178, 179, 192, 208, 265, 281, 289, 290.

<sup>2</sup>*Natural and Civil History of Vermont*, Vol. II, 215, 216.

Among the authors who, through strong sympathy with New York in the controversy between that state and Vermont, have been somewhat prejudiced and expressed opinions adverse to the negotiation — or at least to the Vermont negotiators — WILLIAM L. STONE is the fairest and best. Did the facts in his judgment warrant a more unfavorable opinion than he expressed, surely it would have been recorded, since, at the time he wrote (1837-8) there was no occasion for delicacy or concealment. The old controversy had long been settled; all the parties to the negotiation were dead; the matter had passed into history, and nothing then remained, as now, but to form a just judgment upon the facts recorded. That Mr. Stone formed an opinion as favorable as he did to the great body of the people of Vermont of that day, and so lenient to the few who were personally engaged in, or cognizant of, the negotiation, is in fact a condemnation of all harsher judgment, by whomsoever uttered. In this view, his opinion is specially valuable and deserving a place in this volume.

Mr. Stone added, from the New York documents, only two facts touching the question, which have not already been given in this volume. These are now given, with whatever else bears upon or is indicative of his opinion.

The fact has been recorded (*ante*, 184,) that lieutenant-colonel Fairbanks and others were captured in the then "West Union," October, 1781, by colonel Van Rensselaer. Though all but one escaped, this fact was not known on the first report, it seems, for on this occurrence Mr. Stone wrote :

*Governor Chittenden to Capt. Van Rensselaer.*<sup>1</sup>

Governor Chittenden wrote to officers of New York, demanding the release of the prisoners taken from the Grants — asserting their [Vermont's] determination to maintain the government they had "set up," and threatening that, in the event of an invasion of the territory of New York by the common enemy, unless those prisoners were given up, they [Vermont] *would render no assistance to New York*. This letter also contained an admonition, "*that power was not limited to New York*."

<sup>1</sup> Ms. letter [said Mr. Stone] from Thomas Chittenden to captain Van Rensselaer, among the Gansevoort papers.

On this "admonition" Mr. Stone observed :

This dark and rather awkward saying was full of meaning, as will appear in a subsequent portion of the present chapter.

Further he observed of this period :

Meantime the government of the Grants had effected an organization of their own militia, *and disclosures had been made to the government of New York, imputing to the leading men of the Grants a design, in the event of a certain contingency, of throwing the weight of their own forces into the scale of the Crown.* The following letter may be considered important in this connexion :—

*Governor Clinton to General Gansevoort.*

POUGHKEEPSIE, Oct. 18, 1781.

*Dear Sir :—*Your letter of the 15th instant was delivered to me on the evening of the 16th. I have delayed answering it, in hopes that the Legislature would ere this have formed a quorum, and that I might have availed myself of their advice on the subject to which it relates ; but as this is not yet the case, and it is uncertain when I shall be enabled to lay the matter before them, I conceive it might be improper longer to defer expressing my own sentiments to you on this subject.

The different unwarrantable attempts, during the Summer, of the people on the Grants to establish their usurped jurisdiction, even beyond their former claim, and the repetition of it (alluded to in your letter,) <sup>1</sup> in direct opposition to a resolution of Congress injurious to this State and favorable to their project of independence, <sup>2</sup> and at a time when the coming enemy are advancing, *can only be accounted for by what other parts of their conduct have given us too much reason to expect — disaffection to the common cause.* <sup>3</sup> On my part, I have hitherto shown a disposition to evade entering into any altercation with them, that might, in its most remote consequence, give encouragement to the enemy, and expose the frontier settlements to their ravages ; and from these considerations alone I have submitted to insults *which otherwise would not have been borne with ;* and I could have wished to have continued this kind of conduct *until the approaching season would have secured us against the incursions of the common enemy.* But as from accounts contained in Colonel Van Rensselaer's letter, it would appear that *the militia embodying under Mr. Chittenden's orders are for the*

<sup>1</sup> Gov. Clinton here referred to the "East and West Unions."

<sup>2</sup> The Resolution of August 20–21, 1781.

<sup>3</sup> Clearly this was mere suspicion. The "conduct" of Vermont is fully given in this volume, by which the justice of this suspicion can be tried.

*service of the enemy*, and that their first object was to make you a prisoner, it would be unjustifiable to suffer them to proceed.<sup>1</sup> It is therefore my desire that you maintain your authority throughout every part of your brigade, and for this purpose, that you carry the laws of this State into execution against those who shall presume to disobey your lawful orders. I would only observe that these sentiments are founded on an idea that the accounts given by Col. Van Rensselaer in his letter may be relied on; it being still my earnest desire, for the reasons above explained, not to do anything that will bring matters to extremities, *at least before the close of the campaign*, if it can consistently be avoided.

In my last, I should have mentioned to you that it was not in my power to send you a supply of ammunition; but, as I had reason to believe you had gone to Saratoga, I conceived it improper to say anything on the subject lest my letter might miscarry. You may recollect that of the whole supply ordered by General Washington, last spring, for the use of the militia, five hundred pounds is all that has been received in the state magazine, which you will easily conceive to be far short of what was necessary for the other exposed parts of the state. With respect to provisions, it is equally out of my power to furnish you with any, but what the state agent, who is now with me, may be able to procure.

I am, with great respect and esteem, Dear Sir, your most obed't serv't,

GEO. CLINTON.

*Brig. Gen. Gansevoort.*<sup>2</sup>

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<sup>1</sup>On the very day before this letter was written, Gen. Safford, of the Vermont militia, wrote to Gen. Stark that in consequence of his [Stark's] request, he had on the 11th sent orders to the militia in the West Union, in obedience to which lieutenant-colonel Fairbanks had mustered men *to march to Stark's assistance*, when Van Rensselaer took them prisoners. So Van Rensselaer's suspicion or conjecture in this instance was flatly contradicted by Safford.—*Ante*, 185.

<sup>2</sup>*Life of Joseph Brant*, Vol. II, 183-185. This letter of governor Clinton has a very important bearing upon the negotiation, because it indicates that the purpose of Clinton was to bring Vermont into submission to New York *by force*, as soon as that could be done, or after peace had been made with Great Britain. The fact that the Vermont negotiators feared this, and were greatly influenced by it, runs through the whole negotiation, coupled with the still more alarming apprehension that New York would be supported by Congress. This apprehension led Ira Allen to declare, in his first interview with the British Commissioners, that in case the ruling power at the end of the war would not give Vermont "a free charter," her people "would return to the mountains, turn savages, and fight the devil, hell, and human nature at large;" and in

In continuing this subject, Mr. Stone stated the substance of the affidavits of John Edgar and David Abeel, and of the letter communicated with them to the assembly of New York by gov. Clinton, March 21, 1782, and quoted the governor's opinion that these papers, with corroborating circumstances, "tend to show, that *these criminal transactions* are not confined to individuals, but have been conducted *under the sanction of that usurped government.*"<sup>1</sup> To these Mr. Stone added a fair statement of what is to be found in the *Vermont State Papers* and Ira Allen's *Political History*, [given in this volume and volume one of the *Vermont Historical Society Collections*,] and proceeded thus :

his last letter to Haldimand to suggest the danger that the people in the West Union, proposed then to be added again to Vermont, "*would fall a prey to the resentment of New York, assisted by the authority of Congress.*"—*Ante*, 110, 283. March 9, 1781, in his letter to the president of Congress, Ethan Allen justified the negotiation to the point of an absolute cessation of hostilities with Great Britain, on this ground alone, observing that "Vermont, of all people, would be the most miserable, were she obliged to defend the independence of United claiming States, and they, at the same time, at full liberty to overturn and ruin the independence of Vermont." Gov. Chittenden and others expressed the same idea in the general assembly; and this design was imputed to the claiming states in the "defense of the East and West Unions," Jan. 1782.—*Ante*, 105, 122, 235. Other citations could be made to the same effect, but these amply show the danger which the Vermont negotiators apprehended, and gov. Clinton's letter proves that the apprehension was well founded.

<sup>1</sup> *Ante*, 256-258. Once more the governor was in error: nothing was ever sanctioned by the "government" of Vermont but negotiations for the exchange of prisoners, all else having been rigidly "confined to individuals." Moreover, had the Vermont government absolutely agreed to everything alleged and suggested in the papers referred to by Clinton, the transaction would not have been "criminal," except on Clinton's theory that Vermont belonged to New York and the Vermont government was "usurped." In fact, however, Vermont was then independent of New York, congress, and all other authority, and as a sovereign state had the right, under the law of nations, to negotiate with any other sovereign. This right was asserted by gov. Chittenden and the Allens, to congress, to Washington, to New York, to the New England states, and to Haldimand, and the negotiation for an exchange of prisoners was an actual exercise of it. The farther negotiation was not, because it was never authorized by the government of Vermont, and never carried so far, by the individuals concerned in it, as to require the Vermont government to act upon it, either by approval or rejection.

Every close reader of American history is aware that there was a correspondence of some description, between the leaders of the people occupying the New Hampshire Grants and the common enemy, during the latter years of the Revolutionary war. But neither the precise character, nor the extent, of that correspondence, has been generally understood; while it has, for obvious reasons, been the desire of those most directly concerned in those matters, to represent the whole as a game of dissembling with an enemy who had attempted to tamper with the patriotic sons of the Green Mountains. Be this as it may, it is in the secret proceedings of the Vermont conspirators, that the key is found to the mysterious movements of the enemy on Lake Champlain, which had so greatly harrassed the American commanders at the north during that Autumn. It was known that St. Leger was upon the lake in great force; and having landed at Ticonderoga, to all human calculation an invasion was intended, which the country was ill prepared to resist. At times he was apparently balancing upon what point to move. With the means of striking, he did not strike: and his dilatoriness, and apparent indecision, were alike inexplicable. The effect was to keep the northern part of the state in constant alarm, and to harrass the militia by frequent calls to the field, against an enemy hovering upon the shore of the lake, always, apparently, just ready to make a descent, and yet idling away the season without further demonstration. Much greater quietness might have been enjoyed by the people of New York, so far as the common enemy was concerned, had it been known *that his hands were fettered by an armistice with a contiguous territory*, claiming to be an American state, and professing at the same time to be at open war with the self-same enemy with whom *the government* of the said territory was at that moment in secret alliance.<sup>1</sup>

Were this to be construed into a complaint, that by the concealment of the armistice New York had been needlessly alarmed, it would be pertinent to reply, that "the conspirators" might well be thanked for sparing that state from an actual attack, when Mr. Stone confesses that it was ill prepared to resist. This is indeed indirectly admitted. Mr. Stone only explained what at the time was a mystery. It is in a note to this statement that Mr. Stone's opinion of the Vermont negotiators is given. After stating that Mr. Sparks concurred in the opinion of earlier writers, that the

<sup>1</sup>Not having the whole history, Mr. Stone fell into gov. Clinton's error. Neither were therefore blamable. Knowing that there was a negotiation, the inference that it was *official* was natural, though erroneous.

negotiation was "a game of dissembling with an enemy who had attempted to tamper with" them, Mr. Stone declared:—

The author certainly agrees with Mr. Sparks in the opinion that "there was never any serious intention on the part of the Vermontese to listen to the British proposals." But with great deference, after a full examination of the case, the same cannot be said of the *leaders* of the Vermontese. *They* had determined that New York should be dismembered; and if they could not force themselves into the confederation as a State, they were willing to fall back into the arms of Great Britain as a Colony. But it is very certain, from the conduct of the people of the Grants when they heard of St. Leger's regrets at the killing of the sergeant, that *they* were prepared for no such arrangement.<sup>1</sup>

<sup>1</sup> *Life of Joseph Brant*, Vol. II, 203, 204. This tribute to the patriotism and fidelity of the *people* of Vermont is all the more valuable because of the exception of their "*leaders*," which Mr. Stone felt compelled to make. Ordinarily, the leading men of a state not only give it their own character wherever they are known, but actually shape the opinions and conduct of its people; so, if Mr. Stone was correct, Vermont presented the rare instance of a constituency uninfluenced by "the leaders" they had selected. The truth however was, that no such difference existed between leaders and people. There were no truer or braver friends to the cause of America than the Vermont "*leaders*" in the Haldimand negotiation. Their attachment to it and preference for it were avowed during the negotiation, not only to Washington, and congress, and the neighboring states, but to the British commissioners, and to General Haldimand himself, at the very time they were entertaining the British propositions. At the first interview with the commissioners, Ira Allen said: "he should not deny but *principle inclined him and Vermont in general for the success of America*, but interest and self-preservation (if congress continued to oppress them,) more strongly inclined them to wish for the success of Great Britain, and fight like devils against their oppressors, be they who they might." *Inclined them, against their principles, in a certain contingency*: that is all there was of that. Repeatedly this was said to the British commissioners.—[*Ante*, 112, 116, 117.] Gen. Haldimand so understood the matter, and wrote to Sir Henry Clinton, Aug. 2, 1781, as to Vermont: "they have likewise acknowledged a *preference for congress*, provided they are admitted in alliance as a fourteenth state."—[*Ante*, 151.]

The opinion of Mr. Stone, that the "*leaders*" were willing to fall back as a British Colony, in case Vermont was not admitted to the Union, is negatived by the fact, that for eight years—1783 to 1791—this very contingency existed; Vermont was neither in the American Union nor a British Colony: so she did *not* "fall back." The expressions of the Allens favorable to Vermont becoming a British Province, &c.,



A reply to Mr. Stone was published in 1846 by Hon. DANIEL CHIPMAN, who was a lad at the time the negotiation was made, but of which he had all the knowledge his older brother—Hon. Nathaniel Chipman—could give him. The latter commenced his professional career in Vermont in 1779, then being in his twenty-sixth year. The fact is stated that he was not of the Chittenden party—being then, doubtless, as he was ever afterward, a staunch Federalist—but on one occasion he was admitted to the governor's confidence and assisted in drafting papers to be reported to the general assembly, touching the negotiation. It may fairly be presumed, therefore, that Nathaniel Chipman had been himself prepared for this work, by assurances that the negotiation was intended for the common benefit of Vermont and the country, and that Haldimand was amusing himself with expectations that were to be disappointed. Thus Daniel Chipman was led to adopt this as his own interpretation. The editor of this volume is constrained to say that he rejects the idea that Chittenden and the Allens were guilty of deliberate deception. The documents in this volume will warrant a more charitable judgment, and it should be remembered that, as

should be construed by the possible contingencies in view of which they were made. If congress were to decide against Vermont and unite with New York in war upon her, the Allens and their associates wanted and doubtless depended on the alliance and aid of Great Britain for defense; and, in the last extremity, if protection to the state and to their property could be secured only by making Vermont a British Province, they probably would choose that rather than lose their all.—[*Thompson's Vermont*, Part II, 67.] Ira Allen was once represented as saying [*ante*, 115,] that "he and his family have large fortunes which they do not intend to lose, if there is a possibility of saving them. At all risks he is determined that congress shall not have the parceling of his lands to their avaricious minions,"—a remark more likely then to have referred to New York. If Great Britain were to prevail in the general contest, and all the states were again to become British Provinces, they desired to have Vermont a *separate* Province,—at least, separate from New York. But in the third contingency, of the recognition of Vermont as an independent state by Congress, is to be found the one they preferred to all others, both from principle and interest. For this, they offered to bear Vermont's portion of the expense of the war, and give all possible aid for the independence of the nation. This having been declared to Congress, and avowed by them to Haldimand, ought to be a sufficient answer to all aspersions of their patriotism.

now gathered and published complete, they were never seen by the Chipmans, as they never were in the possession of Vermont until brought there in copies of the *Haldimand Papers*, furnished by Jared Sparks to Henry Stevens. Mr. Sparks had seen all the papers, and he characterized the proceedings of the Allens as being "*the allowable stratagems of war.*"<sup>1</sup> On this point there is a fact which is entitled to much weight. The secret negotiation was avowedly conducted on the honor of gentlemen; and though general Haldimand confessed that he was sometimes doubtful of the real views or intentions of the Vermont negotiators, he never complained that they had transcended the bounds of diplomatic license, never charged them with personal dishonor. On the contrary, while the necessity for diplomacy lasted, they played their part so fairly, that at its close general Haldimand entertained no sentiment but friendship, for the negotiators personally, and for Vermont.<sup>2</sup>

<sup>1</sup> Sparks's *American Biography*, Vol. 1, 341, hereinafter quoted.

<sup>2</sup> *Ante*, 336. *Vt. Hist. Col.*, Vol. 1, 467, 468. The two letters most liable to criticism in this respect are Ethan Allen's, June 16, 1782, (*ante*, 275.) and Ira Allen's, July 11 of the same year, (*ante*, 283.) Congress had again rejected Vermont — or could not admit her — in April preceding, (*ante*, 261.) Vermont was prepared and determined to enforce her authority in Windham county, in violation of the resolutions of congress, which might provoke war from that quarter, or at least from New York; and from both sources force had been threatened before, as well as by New Hampshire, and was threatened afterward, (*ante*, 221, 240, 243, 271, 311.) Finally, at the date of these letters Haldimand was prepared to invade the state, (*ante*, 265, 273, 281.) In this alarming crisis, Ethan Allen wrote to Haldimand, taking the ground that Vermont did not belong "either to the confederacy or to the controversy," [the war between the United States and England.] but was "*a Neutral Republic.*" He desired a little time "to bring about a further and more extended connection in favor of the British interest," (meaning, probably, for consultation with Ira Allen and other leading men, then attending the legislature at Windsor.) and for himself promised to "do every thing in my [his] power to render this state a British province." Ira Allen at Quebec, three weeks later, adopted the same policy. He, too, wanted time, and he was bold enough to ask for time sufficient to make a search in England for Skene's charter, which, "if it could be procured, would much facilitate the present negotiation," by again effecting the West Union. He then represented that the governor and council were [at that time] so fully con-

With this caution, the views of Daniel Chipman are now given, as follows :

It has become a matter of history, and is generally known, that at the session of the legislature holden at Charlestown, in October, 1783, the delegates were convinced of the evil designs of congress and of the necessity of re-uniting with Great Britain, that they were "determined at all events no obstacles shall prevent their endeavors to accomplish it." He then indicated the mode in which their endeavors were to be made : "I would therefore in behalf of my employers propose," &c., and he proposed that Haldimand should write for Skene's charter. A reply from England could not be got probably before navigation would have been closed, so this would bridge over the negotiation till the spring of 1783. In the mean time exertions were to be made for a private resuscitation of the West Union,—to raise troops in New England to be put under Haldimand's direction,—and to enlist an interest in New England men by selling them lands on the frontiers. Allen then, on his own responsibility, suggested that Haldimand should offer "an immediate recognition of Vermont by a secret treaty, to be signed and ratified by gov. Chittenden, gen. Allen, and the council, declaring Vermont a British Province and engaging to use every prudent measure to promote his majesty's government until" Haldimand could "protect them in a public declaration." But *Haldimand must propose this ; Allen had no authority to do it.* All he could say was, that he was persuaded such an offer "would be acceptable to the governor and legislative authority of Vermont." And well it might be, as it would save them from an invasion by Haldimand for the time being, and bind the assembly to nothing until it should have ratified it. After disavowing any *official* authority, Allen alleged that he was sent "by gov. Chittenden, gen. Allen and their privy council, to negotiate a re-union, and *privately authorized to engage*, in behalf of Vermont, that the authority and most of the populace in that state are desirous to become a British state on the conditions proffered by" Haldimand. To one convinced that the most of the populace were of a different sentiment, unless they were for the time panic-stricken, this looks like lying : but, diplomatically scrutinized, the interpretation is not that Allen actually affirmed the fact to be so, but that he was "privately authorized to engage that the authority," &c. He did not affirm it ; and as to the representatives of the people he cautiously said, that they were "convening for the purpose [Allen's purpose, and perhaps that of his party,] of procuring a vote in favor of *government's neutrality until the former* [treaty to be proposed] *could be maintained and supported.*" This was Ethan's idea, and the peculiar phraseology of Ira fairly implies that the favor of the populace to the British, which he had been authorized "to engage," was yet to be secured. It needed time to bring them over. The gist of the whole was : *neutrality*, which meant *peace—time—further negotiation* ; and Allen gained his

1781, Gov. Chittenden received a despatch from Gen. St. Leger, making an excuse for the killing of Tupper, an American sergeant, by a British scout; and which necessarily disclosed the secret armistice, which had sometime before been agreed on, between the executive of this state and the governor of Canada.<sup>1</sup> The contents of the despatch had in some way become known to certain individuals who were not in the secret. This at once produced a high degree of excitement, and raised a clamor which it was necessary to silence without delay. And no other mode of doing this occurred at the time but that of remoulding the despatch, leaving out everything which related to the armistice, so that it might be communicated to the legislature. At this time there were two parties in the state. At the head of one party was Governor Chittenden, Ira Allen and others, called the old corps. Nathaniel Chipman was ranked with the opposition, yet Governor Chittenden had such confidence in his talents and patriotism, that he committed the despatch to him for revision; which task he speedily performed, and in a satisfactory manner. For when the revised despatch was read in the assembly, they were satisfied that their suspicions had been without foundation; the excitement was allayed, and the legislature proceeded with the ordinary business of the session. It will be proper, in this place, to make some remarks upon this secret negotiation with the governor of Canada, for the subject of this memoir was connected with it.

Certain historians, unacquainted with the early history of this state, have not scrupled to charge Governor Chittenden and his compatriots with treason against the United States, for entering into a secret negotiation with their enemies, with the intention of joining the British in the war of the revolution—a charge without the least foundation in fact. And should the present genera-

end: Haldimand *did* write to England for instructions.—[*Ante*, 289.] There were several promises which Ira Allen said he was authorized to make, but did *not* make, and Ethan's promise to "do all in his power," &c., was *in futuro*. Had Haldimand offered the treaty as suggested, all the promises, made or authorized to be made, might have been tested, and then it would have appeared whether the Allens were or were not deceptive or untruthful. Whether, if the contingency of war with Congress or New York had occurred, every promise or suggestion in both letters would have been literally fulfilled, or the Allens in that event intended to fulfill them, is a question to which the answer must be conjectural only. The Allens were not tested. Haldimand dared not offer the treaty without authority from lord Shelburne, and the pacific policy of the new British cabinet superseded the necessity for further negotiation.

<sup>1</sup>This was a verbal agreement by Ira Allen, whose *official* authority was to treat only for an exchange of prisoners.—*Ante*, 107, 109-10, 118-19.

tion suffer this stain to rest on the characters of our fathers, so distinguished among that band of patriots who achieved our independence, it would indicate a degeneracy which they have not yet reached. Facts, which have ever been known to the people of this state, will convince every unprejudiced mind that, not only were Governor Chittenden and the executive council of this state actuated by the purest patriotism, but that their sagacity and wisdom were remarkably conspicuous through the whole of the negotiation, from the commencement to its close; a period of several years; and that it proved, as they intended and foresaw it would prove, as beneficial to the United States as to the people of this state.

At the commencement of the revolutionary war, the people on the New Hampshire grants were more united in defence of the country, than the people in any one of the then United States. A less proportion of tories were found among them than were found in the other states. The causes of this are obvious to those who are intimately acquainted with our early history. Great numbers of the early settlers on the New Hampshire grants, were of the sect of new-lights or separates, who fled from persecution in the New England States, and found an asylum here, where they enjoyed their religious liberty. And history informs us that every people on earth who have by persecution been forced to contend for their religious liberty, have ever been prepared to contend with equal perseverance for their civil rights. Accordingly, in the contest with Great Britain for our civil and political rights, this sect of Christians in the New Hampshire grants were firmly united in the cause of their country. It is believed there was not a single exception.<sup>1</sup>

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<sup>1</sup> The following is important, as indicating the opinion of one of the most distinguished men of New York of that day. Mr. Livingston was a delegate in the continental congress of 1777, and a member of the committee for draughting the Declaration of American Independence. He was a delegate also from 1779 to 1781, and at the date of this letter, was Secretary for Foreign Affairs, in which capacity the letter was written to Dr. Franklin, who was then American Minister to France. The letter was *diplomatic*, of course, aimed to defeat any advantage Great Britain might hope to gain by representing that Vermont was about to return to her allegiance; but doubtless Mr. Livingston gave his own opinion of the case, derived from explanations made to the continental government.

*Robt. R. Livingston to Dr. Franklin.* — [Extract.]

PHILADELPHIA, 13 Feb'y, 1782.

We have not a word of intelligence to communicate, unless it be some little disturbances in the country, which has been distinguished by the names of N. H. Grants and Vermont; and which it may be proper to

Add to this, that the people of this territory had for a number of years been united and organized in opposition to the unjust claim of New York, and had thus far been successful. When therefore their rights were invaded from another quarter, they were perfectly prepared for resistance. They had no habit of quiet submission to the powers that be, to be broken up, but were already harnessed for the conflict. Still further, the government of Great Britain had decided that this territory was within the jurisdiction of New York. Nothing therefore was to be expected from that government but a confirmation of the New York title, should the United States fail of establishing their independence. On the other hand they had reason to hope, that if the United States should achieve their independence, the claim of New York would be set aside, and Vermont would become an independent state.<sup>1</sup> Such a people, thus situated, could not but be united as they were in the cause of their country, and support it as they did to the last with unabated ardor. Could such a people have been influenced to join their enemies? a step forbidden alike by patriotism and by self-interest.

Again, after the battle of Bennington, and the capture of Burgoyne, scarce a doubt was entertained that the United States would achieve their independence. In what situation, then, was

mention to you, since the facility with which the British deceive themselves, and the address with which they deceive others, may render it a matter of moment in Europe, though in fact it is none in America. The bulk of the people of that country are "*New England Presbyterian Whigs*." Some of those in the possession of the powers of government have more address than principle. Finding themselves exposed to inroads from Canada, they have tampered with that government, and pretended to be willing to form a treaty of neutrality with them during the war, and to return to the obedience of Britain on a peace. This has had the effect they intended, and in some measure defeated an expedition, which the enemy made last year, and retained their main body in inaction at Ticonderoga, while the parties they sent to the westward were beaten and dispersed by our militia. The secret has been discovered, is denounced by the people, and such measures are now taken, that by the time the King of Great Britain and his Council (before whom the propositions now lie) have formed a plan in consequence of them, they will be made the means of drawing them into new difficulties.—*Franklin's Writings*, Vol. ix, 162. *Sparks's Diplomatic Correspondence*, Vol. III, 300.

<sup>1</sup> Doubtless these expectations were entertained previous to the negotiation, but in the course of it the Vermont negotiators proposed to guard against the first contingency by having Vermont secretly recognized as a *separate Province*, and against the possible hostility of the confederacy by securing Great Britain as any ally. But, in diplomatic parlance, the treaty, suggested July 11, 1782, was "preliminary" or "conditional," the condition being that Vermont reserved to herself the ultimate decision—as in the articles for the east and west unions. Both mark the same hand.

Vermont to be placed by this secret negotiation? Was she to become a British province, or was she to be an independent state under the protection of Great Britain? In other words, in case of a war between the United States and Great Britain, was this to be made the common fighting ground, and the inhabitants exposed to be plundered by both armies?

I had proceeded thus far, calculating to conclude the subject with some brief remarks—believing that, from what has been said, it would be admitted by all, that there is not the least foundation to the charge of criminality against the leading men in Vermont, in their secret negotiation with the British. But on reviewing the subject, I am satisfied that duty requires a further examination of it. Can we be satisfied? Can we be excused, if we suffer the character of our patriot fathers, who achieved the independence of the state, and who acted so distinguished a part in achieving our national independence, to go down to posterity, stained with the most unfounded charges of treason against their country, without showing, as it is in our power to do, that the overt acts of treason specified, were dictated by the purest patriotism, and as intended, afforded essential aid in the war of independence? This must not be, but their acts and intentions must be truly stated, that posterity may have a full knowledge of their character. I feel this duty to be more imperative, because this charge, made in the most formal manner, with a detail of the evidence in support of it, is contained in that interesting work, “*The Life of Joseph Brant*,” a work which will be read with interest by future generations. The author has collected and detailed all the evidence on which he founds his charge, and on which he pronounces sentence. Now to me this evidence appears not only insufficient to prove the charge, but wholly irrelevant. Yet I have good reason to distrust my own judgment in relation to the weight of this evidence, as I have a personal knowledge of the facts in the case. For although I was too young at the time of this secret negotiation to be an actor in public affairs, yet I lived with my brother, who was a principal actor in all public transactions at that day, and, as we have seen, was concerned in this negotiation; and from him I had at the time a knowledge of it, from near the commencement to the close. But never did I hear from him, or any one of the leading men, an intimation that they thought of complying with the propositions of the British. But, on the contrary, whenever they met, this secret negotiation was usually a subject of merriment and exultation, that the British were so completely, and so long deceived, to their own injury, and our advantage. As I have said, I must be a very incompetent judge of the weight of the evidence which Mr. Stone has adduced, to prove a charge which I knew to be unfoun-

ded. Surely then, the reader will think it quite reasonable, that I submit the evidence to his better judgment, with such remarks as to its relevancy and weight as shall occur to me.<sup>1</sup>

[Here Mr. Chipman copied from Stone's *Life of Joseph Brant* the matter already stated in preceding pages, 256-258, and quotations from Slade's *Vermont State Papers*, 142-156; Ira Allen's *Political History of Vermont*, in *Vermont Historical Society Collections*, vol. 1, 414-466; and the *Life of Ethan Allen*, by Jared Sparks, in *American Biography*, vol. 1, hereinafter cited.]

We will take the author's statement of the question which he has decided, and which we propose to examine. Were Governor Chittenden and the leading men of Vermont, in their secret negotiations with the British, playing a game of dissembling with an enemy who had attempted to tamper with the patriotic sons of the Green Mountains, or had those leading men a serious intention to listen to the proposals of the British? The author has decided this question against the leading men of Vermont, that they had a serious intention to listen to the proposals of the British. As this decision is a reversal of the decision made by Sparks and others, it must be taken that Mr. Stone has stated all the evidence on which he founded his opinion; and it seems that he considered most of it as new-discovered evidence, unknown to those who had formed a different opinion in the case. Such, I understand, is the evidence of Edgar and Abeel, on which great reliance seems to be placed. A statement of facts is made to establish their credibility, or rather to remove all suspicion that they might have been connected together, and fabricated their testimony. Now, had their evidence the least bearing on the point in question, I should not

<sup>1</sup>This should not be taken as conclusive proof that the Vermont leaders abused the confidence of Haldimand. They were remarkably frank for diplomatists, and Haldimand really was not deceived, even by his hope for an ultimate decision favorable to Great Britain. The opinion of Haldimand's commissioners was, that "interest, not loyalty, induced the leading men to wish a union with Canada;" that about one fifth of the people [then including the East and West Unions] were of the same views, near another fifth loyal, and the remaining three fifths and more were "mad rebels, under very little, if any, subjection to their leaders."—[*Ante*, 150.] Haldimand at the same time thought that the course of Vermont depended entirely upon the result of the war for American Independence, to which, he said, they had "*a heartfelt attachment*."—[*Ante*, 151.] Near the close of the negotiation, April 28, '82, his opinion was that "coercion alone must decide the part Vermont will take."—[*Ante*, 265.] Just boasts of Allen's success have been too broadly interpreted.



hesitate to say that it is deserving of no credit whatever. Where, and how, were the thirty Hessian deserters from Burgoyne's army caught by Major Fay, to be delivered up to the British authorities? Great numbers of the German soldiers, principally young men, who took a fancy to this country, and determined not to return to their father-land, deserted from Burgoyne's army after the capture, and settled in all parts of New England. But how, and by whom, was Major Fay authorized to seize these peaceable citizens, for such they were, and deliver them up to the British authorities? And, surely, it was not by their own consent that they were delivered up for punishment. This part of the testimony of these witnesses, then, is a sheer fabrication, and discredits their whole testimony. But, as before hinted, it is wholly unnecessary to impeach these witnesses, for the obvious reason that, if true, their testimony has no bearing on the point in question. It only proves what was known to all, and admitted by all, that the leading men in Vermont entered into a secret negotiation with the British authorities in Canada, and nothing more: having no tendency to prove with what design they entered into that negotiation.

The next evidence, is a more particular account of the negotiation communicated to the legislature of New York by Governor Clinton, if, indeed, it can be considered as evidence, it being only the declaration of Governor Clinton, that such was the purport of the intelligence which he had received, and such was the weight of the testimony, referring, of course, to the testimony of Edgar and Abeel, that he did not hesitate to assert that they proved a treasonable and dangerous intercourse and connection between the leaders of the revolt, in the north-eastern part of the state, and the common enemy. It is obvious that this adds nothing to the testimony of Edgar and Abeel, except the opinion of Governor Clinton. And this, without the slightest imputation upon the governor, we may say, is deserving of no weight. Extremely jealous as he was of the people of Vermont, information of a secret negotiation between them and the common enemy, would, to his mind, be the clearest evidence of treason. Indeed, every one whose mind was unbiassed, being informed only of the existence of the secret negotiation, would have formed the same opinion.

The author then states the fact, that the people of Vermont, although doubtless for the most part attached to the cause of their country, nevertheless looked upon New York as a more detested enemy than Great Britain; a statement not exactly in accordance with the final decision of the author. The next evidence is, that in the month of March, 1780, Ethan Allen received a letter from

Beverly Robinson, a British officer, of which letter it does not appear that any notice was taken. But on the receipt of a second letter from Robinson in February, 1781, Allen transmitted both letters to congress, accompanied by a letter from himself, in which he asserted the right in Vermont to agree to a cessation of hostilities with Great Britain, provided its claims as a state were still to be rejected by congress. It does not appear, says the author, that the threat had any effect upon that body. And why? Because congress knew that traitors never truly disclose their designs to those whom they are betraying. The next evidence is a more detailed account of the negotiation at the Isle au Noix. The author says, that in the course of the consultation, Ira Allen freely declared, that such was the extreme hatred of Vermont to the state of New York, that rather than yield to it, they would see congress subjected to the British government, provided Vermont could be a distinct colony under the crown, on safe and honorable terms. He added, that the people of Vermont were not disposed any longer to assist in establishing a government in America, which might subject them and their posterity to New York, whose government was the most detested in the known world. These, it is said, were encouraging representations in the ears of his majesty's officers. They were so, because Allen forgot to relate the concluding part of the story—that nothing on earth could ever induce the people of Vermont to submit either to the government of New York or to the government of Great Britain. After a negotiation of seventeen days, an armistice was verbally agreed upon, by virtue of which, hostilities were to cease between the British forces and the people of Vermont until after the next session of their legislature.

It is unnecessary to examine the evidence contained in the extract any farther in detail; but the reader is requested to examine it, and if he can find any fact proved, or even stated, inconsistent with the allegation that the leading men of Vermont were only playing a game of dissembling with the enemy, having no intention of listening to their proposals, let it be noted, and have its due weight. It is presumed, however, that he will find nothing of the kind, and that he will take this general view of the subject. The British authorities in the province of Canada, knowing that for a number of years a bitter contention had existed between the people of Vermont and the government of New York, and knowing, also, as they undoubtedly did know, that congress had passed a resolution, declaring that the independent government, attempted to be established in Vermont, could derive no countenance or support from any act or resolution of congress; and being deceived, as the British were, through the whole of the revolutionary war, in relation to the number of loyalists in the States,

and having no adequate knowledge of their rebellious subjects, they naturally compared them to a British mob; an ignorant, unstable, changeable multitude, who might be easily induced to return to their allegiance under the crown; and they had no doubt but that the people of Vermont might be induced to separate themselves from the United States, and become a British colony. Entertaining these views, the two letters were written by Robinson to Allen, proposing an armistice. Governor Chittenden, and other leading men in Vermont, being consulted, it was concluded that something might be made out of these letters by transmitting them to congress, at the same time asserting the right of Vermont to agree to a cessation of hostilities with Great Britain, calculating that congress might be induced to delay a decision in favor of New York, lest they might drive Vermont to form a connection with the British, especially as congress had been divided on all questions relating to Vermont. And who will say that their calculations wholly failed as to the effect of their proceedings upon congress? Without adverting to these proceedings, who will undertake to account for the singular, vascillating policy of congress in relation to Vermont during the whole of the revolutionary war. The leading men in Vermont had a still stronger inducement to agree with the British on an armistice. Our frontiers were exposed to the enemy, who then had in the province of Canada a disposable force of seven thousand men. But an armistice is agreed on by belligerents, with a view to ulterior arrangements. To induce the British, then, to agree upon an armistice, it was necessary on the part of Vermont to make such propositions to them as they should think would be advantageous to themselves, and such as might appear to be made with sincerity on the part of Vermont. And what propositions could be made more advantageous to the British, or more natural on the part of Vermont, than the proposition that Vermont should detach herself from the United States and become a British province. Accordingly this proposition was made and an armistice agreed on.<sup>1</sup> How natural, then, was the declaration of Ira Allen, during his negotiation with the British at the Isle au Noix. The author says, that Allen *freely* declared, &c.; the word *freely* is evidently used to give to the transaction a darker shade; but he might have given the transaction a much darker shade, in his own view, had he said that Allen declared in the most positive manner, and it would also have been more correct. For Allen's object was to impress on the minds of the British negotiators the strongest conviction that the

<sup>1</sup> The proposition was made by the British, first to Ethan Allen and next to Vermont's commissioners on the cartel.—*Ante* 59, 70, 87; *post* 387.

leading men in Vermont had fully determined to detach themselves from the United States, and join the British in the war of the revolution. And Allen was not a man to fail for want of a sufficient degree of assurance. These observations apply to all the declarations and transactions related in the extract; and, on the ground that it was all a game of dissembling to deceive the British, never was a more natural, artful and politic course pursued. But they met with the greatest difficulty in furnishing a satisfactory excuse to the British for their delay in bringing the business to a final conclusion. And this was indispensable; for the moment they were brought to this point, there must have been an end of the armistice. And the only excuse for delay which presented itself was, that the people of Vermont were not prepared; that time was required to bring them over to their views. A great length of time must have been required for this, for nothing can be more clear, than that the leading men in Vermont never made a single effort, even to abate the ardor of the people in the cause of their country. Nothing of the kind was suspected at the time; no writer since, has noticed the subject at all, nor has Mr. Stone himself even stated anything of the kind. On the contrary, it appears from his note at the close of the extract, that he considered that the body of the people of Vermont remained uncorrupted and steadfast in the cause of their country to the last. We have seen how sensitive the people were on the subject of a negotiation with the governor of Canada, and this as late as October, 1781. Certain it is, then, that if any efforts had been made to abate their ardor in the cause of their country, they had been signally unsuccessful. But all who knew Governor Chittenden, knew that he never could have made an effort of the kind. True, he had a commanding influence with the people, but he had acquired that influence by his zeal in the cause of his country, and his unremitting exertions to establish the independence of the United States. And all have admitted that he was a man of great sagacity, and distinguished for his profound knowledge of human nature. And surely he had some knowledge of his own Green Mountain Boys. He knew well of what stuff they were made. Could he then ever have thought of making tories out of such materials? No. He never thought of making an effort of the kind. And it is believed, that in the year 1781, there was scarcely a tory within the limits of Vermont. What tories there were in this territory at the commencement of the war of independence, separated themselves from the whigs in the year 1777, and joined the enemy, when they were in possession of a part of this state. I have dwelt longer on this part of the subject, because the reader will perceive that if I am correct in this, the leading men of Vermont never made any effort

to induce the people to abandon the cause of their country and join the British — the question which we have been discussing is conclusively and finally settled. For these leading men well knew that if, by their secret negotiations, they made Vermont a British province, without the concurrence of the people, they would negotiate *themselves* into perpetual exile — if fortunate enough to escape a more summary punishment.

Before coming to a conclusion, I cannot but state one fact which strikingly marks the character of our fathers.

It appears very clearly, that through the whole of their negotiation with the British, they made not a single profession of loyalty to the British crown, or of attachment to the British government, or uttered an expression of dislike to our free institutions. Such was the strength of their moral principles, and so fixed their habit of adhering to the truth, that they could not at once learn how to utter a palpable falsehood. On a full and impartial view of the whole subject, it appears that the reader will arrive at the following conclusions: That the British authorities in Canada proposed to the leading men in Vermont a cessation of hostilities between the British forces and the people of Vermont, with a view to a negotiation by which Vermont should be detached from the United States, and become a British province. The leading men in Vermont being thus invited by the British to desert their country and join their enemies, felt themselves at liberty to accept of the proposals of the British for an armistice, and by means of deception to continue it so long as they should find it advantageous; that they played the game so adroitly, and deceived the British so completely, that they were enabled to continue the armistice by which our frontiers were secured against the assaults of the enemy, until the close of the war, to the great advantage of the United States as well as this state. Thus, the British, undertaking to tamper with the patriotic sons of the Green Mountains, found their match, and were so completely duped and deceived, that their enemies alone were benefited by the armistice. The actors on the part of Vermont will ever be admired and applauded for their wisdom and patriotism. And the character of Thomas Chittenden, Nathaniel Chipman and their compatriots, will pass down through succeeding ages, to the last generations of men, as fair and untarnished as they were during their lives, and, as I trust, they appeared when called to give an account to that Being who had been graciously pleased to crown with complete success all their noble and patriotic exertions in the cause of their country — the cause of liberty and the rights of man.<sup>1</sup>

<sup>1</sup> *Life of [Nathaniel] Chipman*, 37-61.

Of all who have declared opinions on this subject, JARED SPARKS was best able to make an accurate judgment. He procured *The Haldimand Papers*, which are given in this volume; he edited the *Revolutionary Correspondence of Washington*, and thus had access to all papers then existing, touching the suspected treachery of Ethan Allen, the Haldimand negotiation, and whatever else concerning Vermont was deemed of sufficient interest or importance to receive the attention of Washington. Mr. Sparks was himself interested in the matter; he had more than one occasion to advert to it in editing the Washington correspondence; and finally, in his *Life of Ethan Allen*,<sup>1</sup> he summed up the results of his investigation. Aside from the unpublished legislative journals of Vermont, which are now first given to the public so far as they touch this question, Mr. Sparks had all the knowledge best fitting him to form a just opinion, and his unblemished character is an ample guaranty that he would publish nothing that was not in his judgment just and true. The following is his summary of the leading facts, with his opinion of the negotiation and the Vermont negotiators:<sup>2</sup>

It was at this period, [1780,] that the British generals in America began to meditate the scheme of bringing Vermont into a union with Canada, by taking advantage of the disputes, which had continued so long and waxed so warm, that it was supposed Vermont had become alienated from Congress and the opposing States, and would be ready to accept tempting overtures from the British. This idea received encouragement from the circumstance, that Congress afforded but a slender defence to the frontiers of Vermont, although the governor of Canada was in a condition to make a descent with a force sufficient to bear down any opposition, that could be interposed by the whole strength of the State. The first step was to bring over some of the leaders; and as Ethan Allen was the most conspicuous of these, and also the military chieftain, the attempt was made upon him. That his views might be ascertained on this subject, the following letter was written to him by Beverly Robinson, colonel of a regiment of loyal Americans, or, in other words, refugees adhering to the British cause and embodied in the British army. [For letter see *ante*, 59.]

This letter, artful and plausible as it was, made no impression upon the patriotism of Ethan Allen. Although written in Febru-

<sup>1</sup> *Spark's American Biography*, Vol. I, 229-356.   <sup>2</sup> *Same*, 338-349.

ary<sup>1</sup> it was not received till July. He immediately sent back the messenger, and in confidence communicated the letter to the governor and a few other friends, who all agreed with him, that it was best to pass it over in silence. That they might not be outdone, however, *in the allowable stratagems of war*, they bethought themselves to turn to a profitable purpose this advance on the part of the enemy. The British were expected soon to appear on Lake Champlain in great force, and it was a thing of essential importance in the present difficult position of Vermont, to ward off the impending danger. Several prisoners from this State were now in Canada, and it was advised that the governor should write to the commander in Canada, proposing a cartel for an exchange. A letter was accordingly dispatched with a flag. The object was to produce delay, and by a finesse to lead the enemy to pursue their ideas of drawing Vermont over to their interest. While this should be fostered, it was not probable they would attack the people, whom they wished to conciliate.

No answer was returned, till the enemy's fleet was seen coming up the Lake in a formidable attitude, spreading an alarm far and wide, and apparently threatening an immediate invasion. Many persons took their arms and marched to the frontier. But no hostile acts were committed. The commander on board the fleet sent a flag to General Allen, with a letter to the governor of Vermont, assenting on the part of General Haldimand, commander-in-chief of the British army in Canada, to the proposal for an exchange of prisoners, and offering a truce with Vermont till the cartel should be arranged.

This preliminary negotiation of a truce was conducted by General Allen. In defining the extent of territory, which the truce should cover, he included all the settlements as far west as the Hudson River. To this extension the British officer objected, as not being within the bounds of Vermont. Such an arrangement would moreover prevent the expedition up the Lake from acquiring honor, or attaining any ostensible object; whereas, if not hampered with the truce, it might act with some effect on the frontiers of New York. This was a strong motive for insisting, that the truce should be confined strictly within the limits of Vermont, but as General Allen was unyielding, the officer gave way, and it was definitively settled as reaching to Hudson's River. This was a dictate of sound policy, as appeared in the subsequent history of Vermont. It had a conciliatory effect upon the inhabitants of that part of New York included in the truce. Their antipathy was disarmed, and at one time they even courted a union with Vermont.

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<sup>1</sup> March, 30, 1780.

As this was a secret arrangement, and not then made known publicly, the people were surprised to see the fleet retreating down the Lake, and the military disbanded and going home. Commissioners were appointed by the governor of Vermont to meet others from Canada, and settle the terms of a cartel. The season was so far advanced, however, that they were obstructed in their voyage across the Lake by the ice, and obliged to return. Nothing was done during the winter. The advantage thus far gained by Vermont was, that a campaign of the enemy on her borders had been rendered ineffectual. As a compensation, the British supposed they had made good progress in detaching from Congress the affections of a discontented province, and winning them over to the King.

As these transactions were well known to the enemy in New York, Colonel Robinson was concerned not to have received an answer to his letter. Thinking it might have miscarried, although he had sent a duplicate and triplicate, or assuming such supposition as a pretence for writing again, he dispatched a second letter to Ethan Allen, dated February 2d, 1781. In this was enclosed a fourth copy of the first, and it contained the following paragraph. [See *ante*, 92.]

Shortly after receiving this second epistle, General Allen sent them both to the Continental Congress, accompanied by one of his own, in which he expressed in very emphatic language his sentiments in regard to the interests of Vermont, and the unjustifiable attempts of the adjoining States to abridge her rights and even destroy her existence. Having explained the mode in which the letters came into his hands, and mentioned his having shown the first to Governor Chittenden and other gentlemen, he proceeds as follows. [See *ante*, 105.]

The concluding words of this paragraph may be considered as characteristic of the writer; but the sentiments expressed in the letter, respecting the allegiance due from Vermont to the United States, were unquestionably entertained by all the principal men of that State. Independence was their first and determined purpose; and, while they were neglected by Congress, and, like another Poland, threatened with a triple partition between the adjoining States, they felt at liberty to pursue any course, that would secure their safety, and conduct them towards their ultimate object. It was on this principle, that they encouraged advances to be made by the British, and not that they ever had the remotest intention of deserting the cause of their country, or submitting in any manner to the jurisdiction of the English government.

While the war continued, however, these negotiations with the



enemy were carried on with much address, and so successfully as to prevent any further hostilities from Canada. A correspondence was kept up, which was known only to a few persons, and was chiefly managed by Ethan Allen and his brother Ira Allen. Messengers came to them secretly with letters, and waited in concealment till consultations were held, and answers prepared, with which they returned to Canada. This was a slow process, but it served to amuse the enemy, and keep their hopes alive. While this could be done, Vermont was safe from attack, and had only to apprehend the artifices of those, who were striving by the weapons of the civil power to annihilate her freedom.

The English ministry had at one time sanguine expectations from the prospect of affairs in this quarter. I have seen two letters from Lord George Germaine to Sir Henry Clinton, one written in February and the other in June, 1781,<sup>1</sup> wherein the minister congratulates the commander-in-chief on the happy return of the people of Vermont to their allegiance, and represents it as an important event. He adds, that, should Washington and the French meditate an irruption into Canada, they would find in Vermont an insurmountable barrier to their attempts; and also that General Haldimand would undoubtedly send a body of troops to act in conjunction with the people, secure the avenues through the country, and, when the season should admit, take possession of the upper parts of the Hudson and Connecticut Rivers, and cut off the communication between Albany and the Mohawk country. Again he observes, that, should the people of Vermont be menaced by a detachment from Washington's army, General Haldimand would have forces ready to throw in among them, by which they would be relieved from any fears of the resentment of Congress, and see it to be their wisest and safest course to return to their loyalty. Such were the vagaries of Lord George Germain in his office at Whitehall, even within a few months of the capitulation at Yorktown. And in truth they present a very just specimen of the strange reveries, surprising ignorance, or wilful blindness of that minister, in regard to American affairs, during the whole war.<sup>2</sup>

<sup>1</sup> *Ante*, 93, 140, 147.

<sup>2</sup> On the subject of the negotiation, see *Vermont State Papers*, 141-156; *Thompson's Vermont*, Part II, 61-67; B. H. Hall's *Eastern Vermont*, 412-414, 503; Hiland Hall's *Early History*, 350, 359-378, 398-402; *Vermont Historical Society Collections*, Vol. I, 414-469.

## COMPLETENESS OF THE HALDIMAND PAPERS ON THE NEGOTIATION.<sup>1</sup>

With a view of ascertaining whether the *Ms. Haldimand Papers*, printed in this volume, are probably complete, the following table of the documents pertaining to the negotiation, as numbered in the ms. volumes, has been prepared. As several of the papers are not numbered, the editor has *conjectured* the order in which they should stand, and indicated his conjectures by the figures in *brackets* in the column of numbers. There are fourteen conjectural numbers out of thirty-four numbers in all, and of these not more than two admit of a reasonable doubt. The correctness of the conjectures is of no consequence; but the order of dates and numbers, so far as numbers were affixed to the original papers, when applied to the documents not numbered, (with the exception of those that were not sent to Haldimand till Sept., 1781,) leaves little occasion to doubt either the proper order of the documents or the completeness of the collection.

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Ethan Allen to the President of Congress, March 9, 1781.....	No. 7 104
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Ira Allen's "Information of Vermont," May 11, 1781,	No. 9 121
Capt. Mathews to Haldimand's Comm'rs, May 15, 1781,	No. 10 124

<sup>1</sup>The *Haldimand Papers* in England number some three hundred volumes.—*Ante*, 3.

Dates and Numbers of the Correspondence.		Page.
Gen. Haldimand to Maj. Lernoult, May 17, 1781.....	No. 11	125
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Prest. Weare to Delegates of New Hampshire in Con- gress, June 20, 1781 <sup>1</sup> .....	[No. 22]	137
Memorial of New York Delegates <sup>1</sup> .....	No. 23	153
Resolutions of Congress, Aug. 14, 1781 <sup>1</sup> .....	[No. 24]	156
Vermont Agents to Prest. of Congress, Aug. 14, 1781, <sup>1</sup>	[No. 25]	161
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Agents of Vermont to Committee of Congress, Aug. 18, 1781 <sup>1</sup> .....	No. 27	164
Queries of the Committee, and Answers thereto, Aug. 18, 1781 <sup>1</sup> .....	No. 28	165
Proceedings of Congress, Aug. 20, 1781 <sup>1</sup> .....	[No. 29]	167
Proposals of Vermont Comm'rs Sept. 20, 1781.....	[No. 30]	174
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Haldimand's Comm'rs to Capt. Mathews, Sept. 30, 1781,	No. 33	178
Information from Vermont. &c., Oct. 16-19, 1781.....	No. 34	{ 186, 188 190, 191

It will be observed in this volume that the letters and documents strictly belonging to the correspondence between the Vermont negotiators and Gen. Haldimand and his subordinates, *are numbered in a distinct class* ; as are the dispatches from the British Cabinet to Haldimand ; the dispatches of Sir Henry Clinton to Haldimand ; the dispatches of Carleton to Haldimand ; and the dispatches of Haldimand to Sir Henry Clinton, Carleton, and the Home Government. The numbering of the papers of the Vermont negotiation ends with No. 34 above, when practically the negotiation was

<sup>1</sup> All sent to Haldimand by Ira Allen in September, 1781.

closed, in October, 1781. April 22, 1782, the British Commissioners invited Vermont to resume the correspondence — (*ante*, 263 ;) but they did not respond, and on the 28th of April, 1782, Haldimand determined that *force* must be used to accomplish a result impossible by diplomacy. — (*Ante*, 265.)

The letters pertaining to the negotiation which are not numbered in this class (exclusive of Haldimand's letters to Sir Henry Clinton and Gen. Carleton,) are the following:

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Col. St. Leger to Gen. Haldimand, Nov. 2, 1781.....	194
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Lord Geo. Germaine to Gen. Haldimand, Jan. 2, 1782.....	230
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British Commissioners to Vermont Commissioners, April 22, 1782,	263
British Commissioners to Vermont Commissioners, April 30, 1782, <sup>1</sup>	267
C. [Ethan Allen] to Gen. Haldimand, June 16, 1782.....	275
G. [Ira Allen] to Gen. Haldimand, July 11, 1782.....	283
Gen. Haldimand to Gov. Chittenden, [cessation of hostilities]	
Aug. 8, 1782 <sup>1</sup> .....	290
Last letter of Gen. Haldimand to Vermont. March 25, 1783 <sup>1</sup> .....	335

<sup>1</sup> Not in the *Haldimand Papers*.

# V E R M O N T

AS A

SOVEREIGN AND INDEPENDENT STATE.

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1783-1791.



## PREFATORY NOTE.

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By the definitive treaty between Great Britain and the United States, Sept. 3, 1783, Vermont was included within the boundaries separating the independent American from British territory, and thus the independence of Vermont was *acknowledged first* by the mother country. The State had been *de facto* independent from its organization; and therefore the following record, with the other papers contained in this and the first volume of the *Historical Society Collections*, covers the existence of VERMONT AS AN INDEPENDENT AND SOVEREIGN STATE. For copies of the most important documents, and references to others used, the editor is indebted to HILAND HALL, the Chairman of the Printing and Publishing Committee. These documents were gathered by Mr. HALL in the preparation of the *Early History of Vermont*, and were used in that volume so far as within its scope. Some of these are here given in full, and extracts or statements from contemporaneous and official records have been added, whenever deemed necessary to complete the topics of history contained in this and the first volume of the Society's Collections.





## VERMONT FROM 1783 TO 1791.

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### *October Session of the General Assembly, 1783.*

NOTWITHSTANDING the clemency authorized and offered  
1783. by the General Assembly by the act of 25th Feb., 1783,<sup>1</sup>  
the pardon and release of Timothy Church by a special  
act,<sup>2</sup> and of Timothy Phelps on the 24th of June,<sup>3</sup> the adher-  
ents to New York in Windham County were not disposed to sub-  
mit to Vermont. Encouraged by the resolutions of Congress of  
Dec. 5, 1782, to expect aid from that quarter, and by the advice  
of Gov. Clinton, June 24. to the lately pardoned Church, to call  
out his regiment and resist the execution of the Vermont laws,<sup>4</sup>  
they boldly avowed their purpose to resist, and the fears and pas-  
sions of the two parties in the county were so roused, that peace  
and social order were at an end, and the usual avocations of the  
people neglected.<sup>5</sup> One of the first duties of the government at  
the October session of the General Assembly was to meet this  
exigency. Oct. 11, it was resolved that "effectual measures be  
taken to quiet the present disorders in the southern part of  
Windham County;"<sup>6</sup> and on the 22d a scheme was devised :

IN GRAND COMMITTEE: The Grand Committee, consisting of  
His Excellency the Governor, the Honl. the Council, and General  
Assembly, reported — that to enable the civil authority to exer-

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<sup>1</sup> *Ante*, 331.    <sup>2</sup> *Slade's State Papers*, 470.    <sup>3</sup> *Council Journal*, 44.

<sup>4</sup> "I would advise in case of an attempt by the usurped government of Vermont to compel obedience and submission from any persons claiming to be subjects of this State, to call out your regiment under the militia law, and, by opposing force to force, endeavor to quell the insurrection."— *Eastern Vermont*, 499.

<sup>5</sup> *Eastern Vermont*, 498-501.    *Early History*, 428.

<sup>6</sup> *Assembly Journal*, 1778-1784, 490.— In Guilford the authority of Vermont was then successfully defied.

cise their offices in the southern part of Windham county, and to suppress an insurrection in said county, a militia force be forthwith raised, to assist the said civil authority, for the term of six months unless sooner discharged. That it consist of one hundred men, well officered and equipped for war. That Col. Benjamin Wait be appointed to command said men. That their pay be as follows per month :

Col. Wait,	£20—0—0	Sergeant,	£3—10—0
Major,	£13—0—0	Corporal and	
Captain,	£10—0—0	drum and fife,	£3— 5—0
Lieutenant,	£ 7—0—0	Soldier,	£3— 0—0

That the pay of the commissioned officers commence from the time of their receiving orders, and the non-commissioned officers and privates from the time of their enlistment. That Genl. Fletcher be requested to order his brigade to hold themselves in readiness to assist in the said service. That General Fletcher, with the advice of the officers commanding said troops, augment or dismiss said troops as circumstances may require. That the troops furnish themselves with arms. That the Commissary-General be directed to furnish the troops with ammunition, provisions, and necessary allowance of spirituous liquors. That one company of said troops be from Col. Wait's regiment, and the other company from Col. Bradley's regiment, and that the officer commanding said troops appoint the other officers. Which report being read, was accepted, and

*Ordered*, that a bill be brought in thereon.

The said Grand Committee further reported — that in addition to the measures above reported, the Captain-General give instructions to Col. Wait, and the officers commanding the troops ordered to be raised, purporting that it is not the intention of Government to be severe with those who have heretofore opposed, provided they submit. That the officer commanding be instructed to give special orders to the troops under his command not to meddle with the persons or property of any who quietly submit to this Government. That all those who do voluntarily submit and take the oath of allegiance to this State before they are arrested by any officer, shall not be prosecuted on the part of the freemen of the State till the rising of the next session of the Legislature ; and that they engage then to pass an Act of Pardon in favor of so many as will submit as aforesaid and petition for that purpose. That the sense of the Committee of both Houses be taken whether it will not be advisable for the Governor and Council to remit any fines heretofore laid on those who have opposed the Government in the County of Windham, provided they submit to Government and petition for the same. That those people be further informed

that with respect to any losses they may have sustained by confiscation or otherwise in their opposition to this Government, their only way of relief is to submit to Government and petition the Legislature for a compensation. Which report being read, was accepted.<sup>1</sup>

An act was passed in accordance with the foregoing report.<sup>2</sup>

IN GRAND COMMITTEE: Oct. 23. *Resolved*, That His Excellency the Governor be and is hereby requested, as soon as may be, to issue his Proclamation, offering a free and ample pardon for all offenses committed against this State by any or either of those persons in the Southern part of Windham County who have heretofore opposed the Government, and shall take an oath of allegiance before any justice of the peace within thirty days after the promulgation of said Proclamation.<sup>3</sup>

While the General Assembly was in session at Westminster, Charles Phelps of Windham county, who had subjected himself to severe penalties of the law and was a chief offender, appeared at Walpole, N. H., opposite Westminster, and sent a request for a passport to visit the General Assembly. On the 21st of October a resolution was passed requesting the Governor to grant a passport, "under such restrictions as his excellency shall think proper;" and on the same day the Governor complied, declaring that "liberty is hereby granted to Charles Phelps, Esq., to pass unmolested from Walpole to said Assembly now sitting at Westminster, there to remain during my [his] pleasure, then to return from thence to said Walpole; and all persons in this State are to take notice hereof and govern themselves accordingly."<sup>4</sup> Thus the conciliatory disposition of the Vermont authorities was tested previous to any movement of the force against the insurgents in Guilford. A considerable number of the adherents to New York, particularly in Halifax, availed themselves of the offer in the Governor's Proclamation, but for the most part the adherents to New York, including Timothy Church and Charles Phelps, were emboldened by the policy adopted by the General Assembly, and the civil and military powers were therefore vigorously and successfully used, re-

<sup>1</sup>*Assembly Journal*, 1778-1784, 512-514.

<sup>2</sup>*Slade's Vermont State Papers*, 476.

<sup>3</sup>*Assembly Journal*, 1778-1784, 517.

<sup>4</sup>*Council Journal*, 1781 to 1784, 52.

sulting in the arrest of several of the leaders of the New York party.<sup>1</sup>

*Proposed Exclusion of Inimical Persons.*

IN COUNCIL: Oct. 21. A bill from the General Assembly was received and read purporting a request to join a committee of Council for the purpose of framing a bill to be enacted into a law to prevent the return of Inimical Persons into this state: Whereupon,

*Resolved*, that as the Provisional Treaty of Peace stipulates that Congress recommend to the several States to pass acts permitting those who have gone from among them to return for a limited time; that Congress for reasons best known to themselves have neglected passing such recommendations; that none of the United States have to our knowledge, since Peace took place, passed any public act respecting the return of inimical persons; that by the latest accounts from Europe, the completion of the Definitive Treaty was procrastinated; that for this state, considering her situation, under the disadvantage she is to have foreign intelligence, to lead the United States in these matters appears premature: this Council therefore are unanimously of opinion, that no act be passed at this session respecting Inimical Persons.<sup>2</sup>

IN ASSEMBLY: Oct. 22. The objections of the Council to joining a committee from this House for the purpose of forming an act to prevent the return of Inimical Persons into this State being read: Whereupon,

*Resolved*, that His Excellency the Governor be and hereby is requested to omit giving any persons within the enemy's lines, who have been deemed enemies to this and the United States, a permit to return and be in any part of this state until the further order of this House thereon.<sup>3</sup>

*Election of Delegates, and Agents, to Congress.*

IN ASSEMBLY: Oct. 17. Proceeded by ballot to choose *Delegates* to represent this State in the Congress of the United States, when the Honl. Moses Robinson, Esqr., the Honl. Isaac Tichenor, Esqr., the Hon. Ira Allen, Esqr., and Stephen R. Bradley, Esq., were duly chosen according to the constitution.<sup>4</sup>

<sup>1</sup> *Early History*, 428-429. *Eastern Vermont*, 492-506.

<sup>2</sup> *Council Journal*, 1781 to 1784, 51. <sup>3</sup> *Assembly Journal*, 1778-1784, 515.

<sup>4</sup> *Assembly Journal*, 503. Sec. 10, ch. II, of the Constitution provided that "Delegates to represent this State in Congress shall be chosen, by ballot, by the future General Assembly, at their first meeting, and annually, forever afterward, as long as such representation shall be necessary." — *Slade's Vt. State Papers*, 248.

IN JOINT ASSEMBLY : Oct. 20. Proceeded with the Governor and Council to elect *Agents* to attend the Congress of the United States when the same shall be necessary, when the Hon. Moses Robinson, Isaac Tichenor, and Paul Spooner, Esqrs., were chosen.<sup>1</sup>

IN ASSEMBLY : Oct. 24. *Resolved*, That His Excellency the Governor and the Honl. the Council be empowered and requested to give Instructions, on behalf of the freemen of this State, to the Agents appointed to negotiate and transact the business of this State at the Congress of the United States, if their attendance should be necessary before the next session of this Assembly.<sup>2</sup>

The distinction between these offices was. that the *Agents* were to negotiate for the admission of the State into the Union, and the *Delegates* were to represent the State in Congress when admitted.

The notable acts of the October session, in addition to the act for a military force to assist the civil power, were :

An act to enable Towns and Parishes to erect proper Houses for Public Worship, and support Ministers of the Gospel, [by a tax on the polls and rateable estate of persons living, or estates lying, within the limits of such town or parish ; persons proving a different persuasion, or supporting the gospel by voluntary associations, excepted.]

An act declaring a time, [May 1, 1784,] when to begin the settlement of new lands, that has been prevented by the late war between Great Britain and America.<sup>3</sup>

And the following, which is given in full :

An act to prevent the inhabitants of New-York being allowed greater privileges within this State, than the inhabitants of this State are allowed within the State of New-York.

Whereas, by an act of the Legislature of the State of New-York, no person or persons belonging to this State, are permitted to commence any suit or action at law, within the jurisdiction of New-York, for the obtaining of their just rights, unless they acknowledge the jurisdiction of said State, so far as to take an oath of allegiance to the same :

Therefore,

*Be it enacted*, &c., that no person or persons, being an inhabitant or inhabitants of, or residing within the jurisdiction of the State of New-York, shall, within the time of his, her or their residence as aforesaid, commence any suit or suits at law, within the jurisdiction of this State, against any inhabitant or resident thereof, for any civil matter or contract, until the Legislature of said State of New-

<sup>1</sup> *Assembly Journal*, 1778-1784, 507.    <sup>2</sup> *Same*, 519.

<sup>3</sup> *Slade's State Papers*, 472, 475, 476.

York shall allow the inhabitants of this State full liberty to commence the like suits within their jurisdiction, and without any such lets or hindrances.<sup>1</sup>

*Adjourned Session of the General Assembly, February, 1784.*

An adjourned session of the General Assembly met at  
1784. Bennington on Feby. 19, and continued until the 9th of

March, at which several acts implying the sovereignty and independence of the State were passed, and action had importing the re-establishment of the authority of the State over Windham County. Among the acts were the following:

An act against high Treason and misprision of Treason. [Levying war against the state or government thereof, knowingly assisting or comforting its enemies, or plotting to betray the state into the hands of an enemy, or sending intelligence for that purpose, or conspiring or attempting any invasion or insurrection, constituted treason, the penalties of which were death and forfeiture of estate. Endeavoring to join the enemy, or induce others to join, or concealing knowledge of any conspiracy for invasion, insurrection, or rebellion, &c., was punishable by fine according to the aggravation of the offense, and imprisonment not exceeding ten years.]

An act in addition to and alteration of "an act regulating civil actions." [Persons living out of the state must bring suits in the county where the defendant resided, and persons within the state must bring justice suits in the town where the defendant resided, or, in case of necessity, in an adjoining town.]

An act directing the form of passing Laws. [One peculiarity even for that time, when the House had supreme legislative power, was, that in case of disagreement between the Council and House on amendments, both Houses were to meet "in grand committee, in order that the wisdom of both Houses may be properly obtained." Hence what was before, was then in other cases, and has since been styled the "Joint Assembly," became the "Grand Committee" on these special occasions.]

An act allowing the scales of depreciation in other States for the settlement of debts contracted in those States. [For the promotion of justice, and benefit of business intercourse in the other States.]

An act to suspend the trial of the Titles of Lands for the time therein limited. [Until the rising of the next Assembly.]<sup>2</sup>

<sup>1</sup>Slade's State Papers, 475. <sup>2</sup>Same, 483, 485, 487, 488.

. An act for establishing Post Offices in this State. [Post offices were established at Bennington, Rutland, Brattleborough, Windsor, and Newbury, under the same regulations as then provided by the United States. The post-rider from Bennington to Brattleborough was allowed three pence per mile travel, and the other riders two pence, with the advantage of fees for carrying letters and packages, and the exclusive right of carriage. The rates of postage were the same as the U. S. rates, and the Governor had the privilege of franking. By special resolution, the privilege of franking was given to Stephen R. Bradley, Nathaniel Chipman, and Micah Townshend, commissioners for revising the laws, upon letters on the business of their appointment. The Postmaster General was Anthony Haswell of Bennington.]

An act to enable the Governor and Council to pardon certain persons therein described. [“Any of the inhabitants of Windham county, who have heretofore professed themselves subjects of the State of New York.”<sup>1</sup>]

The insurrection in Windham county had been so far suppressed, that a guard of twenty-seven men, officers included, to be stationed at Guilford, was deemed sufficient, and the remainder of the troops were dismissed. As a precautionary measure, however, General Fletcher was authorized to call in the militia at any time when he should judge best.<sup>2</sup> The towns of Guilford and Brattleborough were relieved in the payment of certain taxes, as Halifax had been at the preceding session, and an act was passed for taking the lists in Brattleborough and Guilford.<sup>3</sup>

*Petition of the Leaders of the New York Party to Gov. Chittenden.*

At the opening of the session, Gov. Chittenden communicated a large number of letters, all, with one exception (a letter from Hon. David Howell, delegate in Congress from Rhode Island, dated Princeton, Oct. 6, 1783), being in reference to the insurrection in Windham county. The record names

9. A letter or petition, signed by a number of men in opposition to this government, dated Brattleborough, Jan. 6, 1784, directed to his Excellency; and His Excellency's answer, dated Jan. 10, 1784, directed to John Bridgman.<sup>4</sup>

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<sup>1</sup> *Slade's State Papers*, 489, 490.

<sup>2</sup> *Assembly Journal*, Feb. Sess. 1784, [printed,] 17, 62. <sup>3</sup> *Same*, 10, 38.

<sup>4</sup> *Same*, Feb. Sess. 1784, 4.

The petition was as follows :

Whereas the exigencies of the people living in sundry of the towns on the Grants, viz., Brattleborough, Guilford, Hinsdale, and others, demand the most serious consideration of the virtuous citizens both of the subjects of New York and Vermont, and a zealous assiduity to come to some equitable and salutary measures to prevent all kinds of severity against each other, or any hostile measures which will finally bar the benevolent exertions of the subscribers in their humble address to the authority of Vermont :

Therefore it is most humbly prayed and earnestly desired by each of us, the subscribers, that the authority of Vermont would immediately release Major Shattuck and Esquire Phelps from their present imprisonment ; also cease from acts of the like kind, and restrain the troops raised and to be commanded by Colonel Wait, from marching for the support of the government, until the rising of the next session of Assembly in February next, at which session of Assembly, the subscribers, who profess themselves to be subjects of New York, really intend by themselves or by agents appointed for that purpose, to make application to said Assembly of Vermont, for a general purification,<sup>1</sup> and an amicable settlement of past misunderstandings and things which have happened between the people claiming to be subjects of New York and Vermont, upon just and equitable terms, consistent with the rights of mankind, the constitution of Vermont, and the authority of the United States of America.

[Signed by] John Bridgman, Samuel Knight, John Houghton, Jonathan Hunt, William Biglow, Timothy Church, Henry Evans, Jotham Biglow, Orlando Bridgman, Francis Prouty, Edward Carpenter, Timothy Phelps, Hezekiah Stowel, Amos Tute, Elijah Prouty, Rutherford Hays.

*Gov. Chittenden to John Bridgman.*

*Gentlemen*. :—I received a request signed by you, which appeared to be designed for the consideration of the authority of this state. Viewing it to have come only from those in opposition to this government, it would not admit of an answer for many reasons which appear obvious from the tenor and style of your writing. I shall, however, inform you, my friends, of my sentiments respecting the matters contained in it. The prospects I have had, which are well known to you, since the rising of the Assembly, of a general submission, which was the only object of

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<sup>1</sup> Thus in the copy. Probably the word written was *pacification*.



government, have been the only cause of the unexpected delay of the march of the troops.

I am very certain were the Assembly now sitting they would have no bargain to make with the people who have given us so much trouble without any object. I cannot say what might be done by them to prevent the march of Colonel Wait's troops. This I can say, that nothing short of an immediate and universal submission can effect it.<sup>1</sup>

*Economical Contingent Expenses.*

IN ASSEMBLY: Feb. 23. *Resolved*, That the Constable be directed to call on the Treasurer, and request him to furnish this House with two quires of paper, as soon as may be.<sup>2</sup>

<sup>1</sup>*Eastern Vermont*, 507.—B. H. Hall observed that, "terrified at the summary manner in which the government of Vermont appeared determined to treat its opponents, a number of the most prominent adherents of the New York party assembled at Brattleborough on the 6th of January," &c. Mr. Hall gives the 10th of *February* as the date of Gov. Chittenden's reply. Both the ms. and printed Assembly Journal give the date 10th January, 1784.

<sup>2</sup>*Assembly Journal*, 9. The Sergeant-at-Arms at this day would regard such a resolution as an excellent joke. But this was not all: March 9, 1784, the Assembly voted to pay Alexander Brush, for use of rooms for Council and Assembly, fire-wood, candles, and attendance, twenty days, at twelve shillings per day; so the cost for that session was £12 in addition to the stationery. Brush was to have six pounds lawful money, and six pounds in an order on one of the collectors of the three penny tax granted in Oct. 1783—payable, of course, when the tax should be collected.—*Assembly Journal*, 61, 62. For half a century the legislators of Vermont were quite economical. The following is the account of "the Surveyor of the State House," (an office corresponding to the present Sergeant-at-Arms,) for a regular session of thirty-eight days in 1825, the original of which is in the editor's possession. The late Hon. JOSEPH HOWES of Montpelier was the Surveyor:

STATE OF VERMONT to the Surveyor of State House,	DR.
To paid Wm. Tuthill for washing and cleaning State House, black-	
ing stoves, &c.....*	\$8.00
To one day in putting house in order.....	1.50
To 4 3-4 cords of wood at 7s 6d per cord.....	5.94
To paid Campbell for moving three load.....	.50
To paid for broom.....	.38
To paid for 2 1-2 quarts of ink, and jug.....	1.08
To paid for 2 quarts of oil.....	.56
To 75 lbs. candles at 14 cts.....	10.50

*Petitions from William Shattuck and Charles Phelps.*

Feb. 24. A petition from William Shattuck, now in Bennington gaol, praying for pardon, &c., was read, and referred to a committee of five, to join a committee from the Council, to take the same under consideration, state facts, and make report of their opinion to this House. The members chosen, Mr. Ormsby, Mr. Harris, Mr. Shemway [Shumway], Mr. Lyon, and Mr. Sabin.<sup>1</sup>

Feb. 26. The committee on Wm. Shattuck's petition brought in their report, which was read, and, *Ordered*, to lie on the table for further consideration.<sup>2</sup>

A petition, signed by Charles Phelps, now in gaol in this town [Bennington], praying that he may be released from confinement, &c., which was read and referred to a committee of five, to join a committee from the Council, to take the same under consideration, state facts, and make report. The members chosen, Mr. Walbridge, Mr. Ward, Mr. S. Knight, Mr. Moredock, and Mr. Loomis.<sup>3</sup>

Feb. 27. The [foregoing] committee brought in their report in the words following, viz :

That said Charles Phelps be immediately discharged from his imprisonment, and that no part of the estate of said Phelps, which has been seized and confiscated by order of the Supreme Court, be sold or disposed of until further orders from this Assembly.

The said report was read and accepted ; and, *Ordered*, that a bill be brought in accordingly.

A bill, entitled an act to discharge Phelps from imprisonment, was read, accepted, and sent to the Governor and Council for perusal and proposals of amendment.<sup>4</sup>

IN COUNCIL: Feb. 27. An act discharging Charles Phelps, &c., was received and read, and on the question to concur therein it passed in the affirmative. And the said Charles Phelps, being admitted to a personal appearance before the Council, did volun-

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38 days in taking care of State House, sweeping same, making fires, lighting candles, ringing bell, &c., [paid to Sampson Gale]...	38.00
Ink of Vail.....	.25
Lamp Oil.....	.50
1 day in procuring materials.....	1.50
	<hr/>

[Filed] STATE HOUSE BILL FOR 1825. \$68.71

It will be seen that the Surveyor received exactly three dollars for his own services.

<sup>1</sup>Assembly Journal, 14. <sup>2</sup>Same, 19. <sup>3</sup>Same, 21. <sup>4</sup>Same, 23, 24.

tarily take the Oath of Allegiance and Fidelity to the State of Vermont.<sup>1</sup>

Feb. 28. *Resolved*, That the State's Attorney for the County of Windham be and he is hereby directed to suspend collecting the Fines against the following persons until further order, viz. Cyrel Carpenter, Edward Carpenter, Amos Yaw, jr., Shubael Bullock, Elijah Curtis, Asaph Carpenter, Joseph Chamberlain, and Daniel Thurber.<sup>2</sup>

*Establishment of Courts in Orange County, &c.*

IN ASSEMBLY: Feb. 27. A petition, signed Jacob Bailey, President of a Convention of the inhabitants of Orange County, praying for county elections, law books, that the courts may be held at Newbury, &c., &c., was read and referred to a committee of five, to join a committee from the Council, &c. The members chosen, Mr. Barber, Mr. Chipman, Mr. Sabin, Mr. E. Robinson, and Mr. Walbridge.<sup>3</sup>

March 1. The Assembly sent a bill to the Council to repeal the act of 1783, to prevent the inhabitants of New York being allowed greater privileges within this State than the inhabitants of this State are allowed in New York; but the Council Journal does not indicate the concurrence or any other action of that body.<sup>4</sup>

March 4. The Committee, &c., to whom was referred the petition of Jacob Bailey, &c., reported

That an act be passed directing the inhabitants of the County of Orange to elect officers for said County on the last Wednesday of September next.

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<sup>1</sup> *Council Journal*, 1781 to 1784, 67. In the Assembly a proposition was made to sell sufficient of Phelps's property to pay the costs of prosecution, but it was rejected. On the 5th of March, however, the sale of enough to raise £49 13s 11d, was ordered, to reimburse Joseph Tucker for time and expenses in rescuing Oliver Waters, who had been captured by the York party and carried a prisoner on the way to Poughkeepsie. For this affair, in which Phelps became mixed, see *Eastern Vermont*, 510-513. On the 6th of March, Phelps's library was given to the committee on the revision of the laws, with an engagement to pay the committee for the same if the library should be restored to Mr. Phelps.—Printed *Assembly Journal*, 47, 53.

<sup>2</sup> *Council Journal*, 1781 to 1784, 68.

<sup>3</sup> Printed *Assembly Journal*, 24. *Ante*, 81, 82, 178, 274. March 8, a bill was passed specifying the times and places for the holding of county courts in the county of Orange.

<sup>4</sup> Printed *Assembly Journal*, 27.

*Ordered*, that a bill be brought in accordingly, [and the bill was sent to the Council the same day.<sup>1</sup>]

*Action implying the Independence and Sovereignty of Vermont, &c.*

IN COUNCIL: March 5. *Resolved*, That Mr. ANTHONY HASWELL be and he is hereby appointed *Post Master General within and for the State of Vermont*.<sup>2</sup>

IN ASSEMBLY: March 5. The Council sent a bill entitled *an act to empower the Governor to settle A TREATY OF AMITY AND COMMERCE WITH THE POWERS OF EUROPE*; requesting that the same might be passed into a law of this State. Which bill was read and not accepted by the House.<sup>3</sup>

March 8. The Council sent a bill entitled *an act to empower the Governor to settle A TREATY OF COMMERCE WITH THE POWERS OF EUROPE, &c.*, proposing that the same may be passed into a law.

The question being put, whether said bill should pass into a law of this state, it passed in the negative.<sup>4</sup>

IN GRAND COMMITTEE: Upon the bill entitled an act to empower the Governor to settle a treaty of Commerce with the powers of Europe, &c.,

*Resolved*, that this Committee recommend to the Legislature to pass the following resolution, viz:

*Resolved*, that his Excellency the Governor *be requested to commence a correspondence with the Governor of the PROVINCE OF QUEBEC*, and endeavor to open a trade between that Province and this State.<sup>5</sup>

This appears to have been a compromise of the preceding propositions as to the European Powers. It was agreed to in the Grand Committee of the House and Council; but after the Council had retired, the Assembly rejected it:

IN ASSEMBLY: *Resolved*, that this House do *not* accept of the following recommendation of the Committee of the whole, viz:

That his Excellency the Governor be requested to commence a correspondence with the Governor of the Province of Quebec, &c.<sup>6</sup>

March 9. *Resolved*, that his Excellency be requested to write to the Governor of the Commonwealth of Massachusetts, on the subject of the tumults in Windham County, requesting him to grant

<sup>1</sup> Printed *Assembly Journal*, 39. <sup>2</sup> *Council Journal*, 1778 to 1784, 74.

<sup>3</sup> Printed *Assembly Journal*, 46. <sup>4</sup> *Same*, 55. <sup>5</sup> *Same*, 60. <sup>6</sup> *Same*, 61.

warrants for apprehending such inimical persons as have or may flee from justice out of this state into that.<sup>1</sup>

The Assembly adjourned without day on the 9th, and on the 10th the Council adopted the following:

IN COUNCIL: March 10. *Resolved*, that His Excellency the Governor be and he is hereby requested to take such measures as he shall judge best for OPENING TRADE WITH THE PROVINCE OF QUEBEC.<sup>2</sup>

This is substantially the resolution the Assembly had rejected on the 8th, but the Council doubtless regarded it as admissible under Sec. 18, Part II, of the Constitution, giving the Governor and Council power "to correspond with other States," and "prepare such business as may appear to them necessary to lay before the General Assembly."<sup>3</sup>

IN COUNCIL: April 12. *Resolved*, that His Excellency the Governor be requested to call on Colonel Ebenezer Allen to take possession of a place called Dutchman's Point as soon as the same shall be evacuated by the British troops; and also that the Governor write to General Haldimand on the subject.<sup>4</sup>

*William Shattuck Pardoned.*

IN COUNCIL: April 12. The petition of William Shattuck, now a prisoner in the gaol at Bennington, acquiescing in the Justice of his sentence to Banishment by the Honl. the Supreme Court of this State in Sept. 1782, and praying for Pardon, being received and read:

*Resolved*, that the said William Shattuck be and he is hereby pardoned, released, and indemnified from the said sentence of Court so far as it relates to his Banishment and Confiscation of Estate. And that the Sheriff of the county of Bennington be and is hereby directed to release the said William Shattuck from his confinement on condition that he pay unto the said Sheriff £25 lawful money,

<sup>1</sup> Vermont had delivered to Massachusetts an offender against the peace of that State, and could fairly ask for a return of the courtesy. In fact, however, some of the Vermonters had encroached upon Massachusetts in the pursuit of their enemies, and it was politic as well as neighborly to arrange the matter.—*Ante*, 322. *Eastern Vermont*, 511-513, 518-519, 529-533. *Early History*, 430. *Printed Assembly Journal*, 62.

<sup>2</sup> *Council Journal*, 1778 to 1784, 77.

<sup>3</sup> *Slade's State Papers*, 250.

<sup>4</sup> *Council Journal*, 1778 to 1784, 78.

costs of prosecution, or give sufficient security to the Treasurer of said State, payable within one year from this date, and pay and satisfy unto Mr. Nathan Fay, keeper of said gaol, for the expense of keeping said prisoner his just demands. And further that he the said William Shuttuck enter into Bonds of One Hundred Pounds Lawful Money with Sufficient Sureties to the Treasurer of this State that he do not enter or presume to go into the County of Windham without Liberty therefor, first had and obtained from this Council.<sup>1</sup>

For a detailed account of the last insurrectionary movements in Windham County, the reader is again referred to B. H. Hall's *Eastern Vermont*, 500-540. A very painful incident in it was the death of Daniel Spicer, a citizen of Massachusetts, who lost his life by being associated with one of the York party. Gov. Chittenden reported the facts to Gov. Hancock of Massachusetts, who, on the 26th of March, by request of the General Court, issued a proclamation, warning the citizens of Massachusetts against intermeddling with the controversy, or taking any part in it, or favoring either of the parties to it, closing with these words:

And all the citizens and inhabitants of this commonwealth are absolutely and most solemnly forbidden to take arms in support of, or engaging in the service, or contributing to the conquest, success, or defense of either of the said parties, as they will answer it at their peril.

This document had an important and favorable influence, and under the act of Vermont, giving to the Governor and Council power to pardon the insurgents and their abettors, numerous applications were made and pardons granted, and many, who had been most noted as "violent Yorkers," submitted to the authority of Vermont as quiet citizens. With this restoration of peace, new life was infused into the society of Windham county, and better sentiments pervaded the whole State.<sup>2</sup>

### *The Vermont Question in Congress, 1784.*

Feb. 2. James Duane, then chairman of a committee of the Senate of New York, reported instructions to the delegates in Congress, respecting the rights of New York to "the district of country commonly called the New Hampshire Grants," in which it was declared that the State of New York "is in the disagreeable situ-

<sup>1</sup> *Council Journal*, 1778 to 1784, 78.    <sup>2</sup> *Eastern Vermont*, 532-534.

ation of having hostilities commenced against her citizens, but that if she must recur to force for the preservation of her lawful authority, the impartial world will pronounce that none of the bloodshed, disorder, or dissention, which may ensue, can be imputable to this legislature," which conceived themselves "to be urgently pressed by the great duty of self-preservation to prepare for the worst," and that if Congress unnecessarily delayed a decision of the controversy, it would "be considered as a denial of justice." On the 13th a committee of the Assembly reported: "That upon the whole it is the opinion of the Committee, that the most decided measures ought to be pursued, without loss of time, as well for the protection of our said suffering citizens [the insurgents against Vermont in Windham county,] as for the peace and tranquility of the said district. That therefore Congress ought to be earnestly pressed to determine the controversy;" and to remove all uneasiness about the right of soil in claimants, the lands which they hold within the lines of the towns settled by them, should be confirmed to them, "although they may be comprehended within the bounds of patents of prior date, under the seal of New York;" and "that this concession should be fully guaranteed to the said claimants *by the United States in Congress assembled.*" Both reports were agreed to, March 2, as instructions to the delegates of New York in Congress. On the 27th of March, Gov. Clinton communicated to the Legislature sundry letters giving accounts of "the disagreeable situation" to which many of the adherents to New York in Cumberland [Windham] county had been reduced; and these, with the instructions, were sent to the New York delegates in Congress.<sup>1</sup>

Intelligence of this action having been received by Gov. Chittenden, he called a special session of the Council, at which the following resolution was adopted:

IN COUNCIL: April 12, 1784. *Resolved*, that His Excellency the Governor be requested to address His Excellency the President of Congress on the subject of the proceedings of the Senate and Assembly of the State of New York of late with respect to a decision of the Controversy relative to the jurisdiction of this State.<sup>2</sup>

<sup>1</sup> *Early History*, 432. *Eastern Vermont*, 522-525, 534.

<sup>2</sup> *Council Journal*, 1778 to 1784, 78.

April 24. Messrs. DeWitt and Paine presented to Congress a written statement of the claims and demands of New York, in compliance with the instructions of the Legislature, which was referred to a committee consisting of Jacob Read of South Carolina, Roger Sherman of Connecticut, William Ellery of Rhode Island, Samuel Hardy of Virginia, and John Beatty of New Jersey.<sup>1</sup>

Through the forecaste of the Governor and Council, this movement of New York in Congress was promptly met by the following sharp and strong letter :

*Gov. Chittenden to the President of Congress.*<sup>2</sup>

STATE OF VERMONT, ARLINGTON, April 26, 1784.

*Sir :* With that respect for congress which the citizens of this state have ever maintained, I beg leave to transmit to your excellency the sentiments of the council of this state, on the late proceedings of the senate and assembly of the state of New York respecting this state, that your excellency may lay the same before congress, for their consideration.

On the 21st of October, 1779, the legislature of the state of New York passed a special law empowering congress to hear and determine the controversy between that state and this, not upon the principles of the confederation, but according to equity ; and on the 7th and 20th of August, 1781, congress proposed preliminaries of a settlement of the said controversy, to this state, which were accepted and fully complied with by the legislature of this state at their session in February, 1782.

The legislature of the state of New York, in the November preceeding (1781,) had spiritedly remonstrated against the preliminary settlement of congress aforesaid, an extract of which remonstrance is as follows :

*“ Resolved,* That in case of any attempt of congress to carry into execution their said acts of the 7th and 20th of August last, this legislature, with all due deference to congress, are bound in duty to their constituents to declare the same an assumption of power in the face of said act of submission of this state, and against the clear letter and spirit of the second, third, ninth and eleventh articles of confederation, and a manifest infringement of the same, and do therefore hereby solemnly protest against the same.”

But of late it appears, the senate and assembly of the state of New York are again urging congress to decide their controversy with this state. It seems they are willing congress should settle the dispute as *they* have a mind, but not otherwise.

<sup>1</sup> *Early History*, 433. <sup>2</sup> *Same*, 433.



It appears from the late journal of the senate of the state of New York, "That the delegates be further instructed to press congress for a decision in the long protracted controversy respecting the right of this state to the district commonly called the New Hampshire Grants;" and further, "But that if she must recur to force for the preservation of her lawful authority, the impartial world will pronounce that none of the bloodshed, disorder or disunion which may ensue, can be imputable to this legislature." As to this *bloody proposition*, the council of this state have only to remark, that Vermont does not wish to enter into a war with the state of New York, but that *she will act on the defensive*, and expect that congress and the twelve states will observe a strict neutrality, and let the two contending states settle their own controversy.

As to the allegation of the state of New York against the conduct of this state in bringing a few malcontents to justice and obedience to government, whom they have inspired with sedition, I have only to observe that this matter has been managed by the wisdom of the legislature of this state, who consider themselves herein amenable to no earthly tribunal.

Before I conclude this letter I beg leave to remind your excellency that it appears to the council of this state improper that the states of New York and New Hampshire, who are competitors for the jurisdiction thereof, should vote in congress on any motion which respects Vermont, and also contrary to the express resolution of congress of the 24th of September, 1779, in the words following: "And that neither of the said states shall vote on any question relative to the decision thereof;" that is, relative to the independence of Vermont; although it appears from the journals of congress that those claiming states have ever since voted on all matters in which the interest of this state has been concerned.

Sir: I conclude this letter with the satisfaction of reminding congress that this state is still desirous of a confederation with the United States. I have the honor to be, etc.,

THOMAS CHITTENDEN.

*His Excellency, the President of Congress.*

*Report of the Committee of Congress for the admission of Vermont into the Union, May 29, 1784.*

The committee to whom had been referred the claims and demands of New York and the reply of Governor Chittenden, on the 29th of May made the following report, which is entered at length on the journal of that body of the 3d of June, 1784. It

is the latest proceeding which is found on the journal of the old Congress relative to Vermont, and it remained unacted upon by that body at the close of the confederation. It is understood that the report embodied the views of a majority of the states at that time, but that it could not command the votes of the requisite number, to wit, nine of the thirteen states.<sup>1</sup>

The committee, consisting of Mr. Reed, Mr. Sherman, Mr. Ellery, Mr. Hardy and Mr. Partridge,<sup>2</sup> to whom was referred the representation of the delegates from the state of New York, respecting the controversy between the said state and the people inhabiting the territory called the New Hampshire Grants, made in pursuance of express instructions from the legislature of the said state, urging the necessity of an immediate decision of the said controversy, with sundry affidavits and other papers accompanying the same, having carefully examined the papers, and the files and proceedings of Congress, respecting the said controversy, and maturely considered the case, report thereon as follows:

That by an act of Congress of the 7th of August, 1781, reciting that the states of New Hampshire and New York had submitted to Congress the decision of the disputes between them and the people inhabiting the New Hampshire Grants, on the west side of Connecticut river, called the state of Vermont, concerning their respective claims of jurisdiction over said territory, and had been heard thereon, and that the people aforesaid did claim and exercise the powers of a sovereign independent state, and had requested to be admitted into the federal union of these states: It was among other things resolved,

“That a committee of five be appointed to confer with such person or persons as may be appointed by the people residing on the New Hampshire Grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent state, and on what terms it may be proper to admit them into the federal union of these states, in case the United States in Congress assembled, shall determine to recognize their independence, and thereof make report. And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the

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<sup>1</sup> *Eastern Vermont*, 535; *Early History of Vt.*, 432-435; Committee Book and original papers in the State Department at Washington.

<sup>2</sup> George Partridge of Massachusetts seems to have been appointed on the committee in place of Mr. Beatty of New Jersey.

said people to agree upon and ratify terms and articles of union and confederation with the United States of America, in case they shall be admitted into the Union; and the said committee are hereby instructed to give notice to the agents of the states of New Hampshire and New York, to be present at the conference aforesaid."

And on the 8th day of the said August, a committee was accordingly appointed, who afterwards had a conference with Jonas Fay, Ira Allen and Bezaleel Woodward, agents appointed by the authority of the people inhabiting the said territory called the New Hampshire Grants, to repair to Congress, and to propose and receive from them, terms of a union with the United States.

That the committee appointed as aforesaid having made their report, Congress on the 20th day of August, 1781, came to the following resolution:

"It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York, contained in the resolutions of the 7th instant: *Resolved*, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission into the federal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the northwest corner of the state of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs northeasterly in its general course; then by the west bounds of the townships granted by the late government of New Hampshire, to the river running from South Bay to lake Champlain; thence along the said river to lake Champlain; thence along the waters of lake Champlain, to the latitude of 45 degrees north, excepting a neck of land between Missiskoy Bay and the waters of lake Champlain."

Which resolution was agreed to by nine states.

That on the 19th of October, 1781, the Assembly of Vermont, taking into their consideration the aforesaid act of Congress, *Resolved*, That they could not comply with it, without destroying the harmony then subsisting in that state, and a violation of a solemn compact entered into by articles of union, &c., as appears on the journal of Congress of the 4th of April, 1782.

That afterwards, on the 22nd of February, 1782, the people inhabiting the said territory called Vermont, by their representatives in general assembly, in compliance with the aforesaid act of Congress, then remaining unaltered and unrepealed, came to the following resolution, to wit:

"*Resolved*, That the west bank of Connecticut river, and a

line beginning at the northwest corner of the commonwealth of Massachusetts, from thence northward 20 miles east of Hudson's river, as specified in the resolutions of Congress in August last, shall be considered as the east and west boundaries of this state ; and that this assembly do hereby relinquish all claims and demands to and jurisdiction in and over any and every district of territory without said boundary lines."

And afterwards, in the said month of February, 1782, the said general assembly appointed Moses Robinson, Paul Spooner, Isaac Tichenor and Jonas Fay, esqrs. agents, with plenary powers, on behalf of the people of the said district, to negotiate and agree on terms for their admission into confederation with these United States ; and upon such admission to represent the said state of Vermont in Congress :

And it being now represented by the state of New York, that great danger and distress will arise from a further delay of the decision of the said controversy ; and the people of Vermont having complied as aforesaid with the terms prescribed by Congress, as a preliminary to the recognition of their independence, your committee submit the following resolves :

*Resolved*, That the district of territory lying on the west side of Connecticut river, called Vermont, within the limits and boundaries described in the act of congress of the 20th of August, 1781, and the people inhabiting the same, be, and they are hereby recognized and declared to be a free, sovereign and independent state, by the name of the state of Vermont. That the said state of Vermont, being within the limits of the United States, shall be considered a part of the confederacy, on the same principles as the new states, who shall have established permanent governments agreeably to the act of congress of the 23d of April last, until it shall accede to the articles of confederation and be admitted into the federal union of these states.

*Resolved*, That Congress adhere to the guarantee to the states of New Hampshire and New York, agreeably to the resolutions of the 7th and 20th day of August, 1781 ; and if it shall appear, on running the line between the states of New York and Vermont, that the latter hath made any encroachments on the territory of the former, the same shall be immediately removed.

Your committee further report, with respect to the matters alleged by the delegates of New York, concerning the sufferings of individuals by banishment and confiscation of property, and the disorders and violences that have happened in consequence of the opposite and interfering jurisdictions exercised by the state of New York and the government of Vermont, over the same persons within the said district ; that the several letters and papers

from the governor of New York and the people of Vermont, relative to those matters, have been heretofore committed, and no report hath been made thereon; your committee are therefore of opinion, that if Congress should judge it expedient to take any further order respecting those matters, it will be proper again to commit those papers.

June 3, the New York delegates proposed to take up this report, but only two States voted for it—New York and New Hampshire. This closes the record of the protracted and troublesome controversy in the old Congress.<sup>1</sup>

*Defense of the Policy of Vermont in the Controversy with New York, and the Haldimand Negotiation.*<sup>2</sup>

The following letter, published in the *Vermont Gazette*, [Bennington,] Nov. 18, 1784, though out of the chronological order, is a fit closing of the transactions of Vermont with the Continental Congress, as well as a defense of the Haldimand negotiation. It was written and published by ETHAN ALLEN, on the request of Governor Chittenden, in connection with the preceding letter of the Governor to the President of Congress. It is dated in the manuscript copy “November 30th, 1784,” but the true date probably was Oct. 30, as the letter was printed on the 18th of November. The manuscript contains several errors made by the copyist.

TO THE PUBLIC.

In pursuance of special directions from His Excellency Governor Chittenden, I am to cause the following letter, addressed to His Excellency the President of Congress, to be communicated to the public through the channel of the *Vermont Gazette*, for the satisfaction of their anxiety. It is the last transaction of this State with Congress, to which letter there has been no answer returned. I have further to observe, that a few months past the delegates of New York in Congress presented a memorial that they [congress] would make a resolution [decision] respecting the independency of Vermont. Upon which Congress appointed a committee, which have reported that Vermont ought to be an independent State, but that it should be procrastinated until some Southern State should likewise be created, and until the conditions of the admission of this State into the federal union of the United State should be agreed on. This is the last doings of Con-

<sup>1</sup>*Early History*, 435, 436. <sup>2</sup>*Ethan Allen Ms. Papers*, 389.

gress respecting this State that has come to hand, except that the delegates of the State of New York urged Congress to take up and act on their said committee's report, which they [congress] negatived.

It is undoubtedly the wisdom and good policy of republican governments to inform their citizens of the management and circumstances of their political matters so far as their opponent States or other adversaries may not take advantage of it. This then should be the criterion of the promulgation of public policy, for it is injurious to the public good to expose the cabinet counsels so that enemies may avail themselves of such advantages. This maxim has ever been duly adhered to *by the leading gentlemen of this State*,<sup>1</sup> which has given occasion to some to censure those gentlemen in public trust, though they have at the same time strenuously acted agreeable to the best good of the community. The short of the matter is, that indiscriminate publication of state policy defeats itself and annihilates its own existence.

I would by no means debar the populace of talking and plotting in politics, for this would deprive them of a great share of their happiness and importance; but I would not have them complain of their benefactors nor alter the measures of their superiors. *The Foreign Policy of this Government has been demonstrated to be good in the final consequence [result] of it, and the State is in good and respectable condition at present.* It only remains that our courts of equity and law do impartial justice, and that our citizens support the honor and dignity of our laws and unitedly combine to support our liberty and independency.

From the Public's most obedient and humble servant,

ETHAN ALLEN.

*On reading Gen. Ethan Allen's animalversions on the proceedings of the Senate of New York against Vermont.*

*By T. ROWLEY, Esq.*<sup>2</sup>

May Allen live to use the quill,  
While York in envy reigns,  
With ready mind and active will  
T' expose their wicked plans.  
May all contagion flee away,  
And at a distance stand;

<sup>1</sup>The phrase used in the Haldimand negotiation to denote those who were engaged in or cognizant of it; and here it has the same application.

<sup>2</sup>*Ethan Allen Ms. Papers*, 425.

No hypochondrics plague his mind,  
Nor palsy shake his hand,  
Till nature's great diurnal wheel  
Some future day rolls on,  
When all the Yorkers' courage fail,  
And all their hopes are gone.  
Then may our ALLEN have repose,  
Before his days shall cease,  
And sing and see his labours close  
And leave Vermont in peace.

*October Session of the General Assembly, 1784.*

The General Assembly met at Rutland, Oct. 14, and on the 15th the record is :

His Excellency the Governor made a speech\* to the Council and House ; after which he laid the following papers before the House, in their order, viz :

A copy of a letter signed by his Excellency, dated Bennington, March 10, 1784, directed to his Excellency John Hancock, Esq.

An attested copy of a petition, signed by Abigail Spicer, Jabez Spicer, Asher Spicer, Roger Spicer, and Jonathan Spicer, to the hon. Senate and House of Representatives of the Commonwealth of Massachusetts, assembled at General Court at Boston, dated March, 1784—[on the death of Daniel Spicer]. Likewise a copy of the proceedings of the General Court of Massachusetts, of the 25th of March, 1784. Also a letter signed by his Excellency John Hancock, Esq., dated March 30, 1784, directed to his Excellency the Governor, with a proclamation of his Excellency John Hancock, Esq., Governor of the Commonwealth of Massachusetts, dated the 26th of March, 1784, were read.

Also a copy of a letter signed by his Excellency the Governor, directed to his Excellency Frederick Haldimand, Governor of Canada, &c., dated April 15, 1784. Also, a copy of one other letter from his Excellency, directed as aforesaid, dated July 12, 1784.

And a copy of one other letter signed by his Excellency, directed to his Excellency the President of Congress, were read.<sup>1</sup>

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\**Note on the Assembly Journal.*—"The speech was delivered to a committee to prepare an answer, who never made a report nor returned the speech."

The committee appointed to prepare an address, in answer to the Governor's speech, consisted of Stephen R. Bradley, Thomas Tolman, and Isaac Tichenor.

<sup>1</sup>*Assembly Journal*, Oct. 1784 and June 1785, [printed,] 6.

*Reprisals on the Property of Citizens of New York.*

Oct. 18. Micah Townshend presented a petition setting forth that he had been arrested in the State of New York, in an action of trespass, by Seth Smith, solely for officiating in his duty as clerk of the county court of Windham county, and praying the interference of the General Assembly and indemnity. The case was examined, and resulted in "an act appointing Commissioners to make reprisal in a case therein named," which authorized the Commissioners "to make seizure of so much of the lands owned by any one or more of the subjects of the State of New York, lying within this State, as will raise the sum of one thousand five hundred pounds, lawful money, in specie, when sold at public vendue."<sup>1</sup>

*The General Assembly as a Court in Cases of Bankruptcy.*

Thomas Chandler, by petition, set forth his willingness to deliver up the whole of his estate to his creditors, *bona fide*, and prayed for an act "to enable his creditors to share a dividend of his estate, and he be relieved from the fears of going into a lonesome prison," and it was

*Ordered*, that the petitioner cite his creditors to give reasons why the prayer of said petition should not be granted.

At the June session the creditors were cited to appear and an act was passed discharging Chandler from imprisonment on delivering up his property.<sup>2</sup>

*Final Proceedings in the Case of Charles Phelps.*

Oct. 23. Mr. Phelps prayed for a full pardon, and a reversion of the sentence of the Supreme Court. On the 26th the committee reported:

That said Charles Phelps, Esq., has been meritorious in his former opposition to the government of New York's granting lands, &c., and opposing the people in Cumberland County uniting

<sup>1</sup> Printed *Assembly Journal*, 13, 29. *Slade's State Papers*, 491.

<sup>2</sup> *Assembly Journal*, Oct. 1784, 15, June 1785, 17, 43, and *Slade's State Papers*, 497. See Secs. 21 and 25, Part II, of the Constitution, in *Slade's State Papers*, 251, 252.



and associating with New York; and that he has been very serviceable to his country by procuring and selling, without profit to himself, a quantity of arms, ammunition, and salt; we also find that said Phelps has been for a number of years past, exceedingly obstinate against, and troublesome to, this government; and that he has had sentence of imprisonment and confiscation of all his estate both real and personal, passed against him by the Supreme Court of this State, for treason; however, your Committee would recommend him as a fit object of mercy, on account of his former merit, his advanced age, and the bad circumstances of his family; and submit it as their opinion, that he have all his former estate, both real and personal, returned to him, (except what has been disposed of by the public,) on his paying £35 lawful money to the State towards defraying the extraordinary cost this government have been at on account of the exertions against government by him and his late associates.

The result was, “an act pardoning Charles Phelps, Esq., of Marlborough, in the county of Windham, and restoring to him all his estate, real and personal.” The act required Phelps to discharge two notes by Oliver Waters, given when he was a prisoner to the York party, amounting to about £21, but which were to be endorsed on the £35 note to be given by Phelps.<sup>1</sup>

#### *Other Acts of Clemency.*

Oct. 25, two petitions were presented, “signed by a number of the late disaffected inhabitants in the southerly part of Windham County.” Six of the petitioners were under bonds for trial on charges made against them, but asked for pardon, and to be received as citizens of the State. In response to these petitions the Assembly passed “an act granting to the several persons therein named a free pardon for the several crimes herein described.” The act embraced seven citizens of Brattleborough, eighteen of Guilford, and one of Marlborough—in all, twenty-six.<sup>2</sup>

<sup>1</sup>Printed *Assembly Journal*, 28, 33, 35, 40; *Slade's State Papers*, 494. Phelps remained in sentiment devoted to New York, and dated his last will at “*New Marlborough, in the county of Cumberland and State of New York.*” He died in April, 1789, in the seventy-third year of his age.—*Eastern Vermont*, 537, 679–689.

<sup>2</sup>Printed *Assembly Journal*, 29, 42, 44, 55; *Slade's State Papers*, 495; *Eastern Vermont*, 536.

IN COUNCIL: Oct. 27. On the petition of Edward Carpenter, Asaph Carpenter, and Cyrryl [Carpenter,] *Resolved*, that the fines of the above named three persons, imposed on them by the Supreme Court of this State, be and is hereby remitted.<sup>1</sup>

*The General Assembly as a Court of Chancery.*

STATE OF VERMONT, }  
Rutland, October 21, 1784. }

The Court of Equity or Chancery, consisting of his Excellency the Governor, the Honorable the Council and General Assembly, met agreeable to their adjournment of the 28th of February last, to hear and determine the dispute between the proprietors of Wilmington and the proprietors of Draper.

After hearing the petition and evidences in behalf of the proprietors of Wilmington, the Court adjourned until to-morrow morning at eight o'clock.

On the 22d, Mr. Knight moved for a continuance and a committee to visit Wilmington, *alias* Draper, and inquire into the matter of the dispute.

It being moved in Court, that the Council and Assembly vote separately on the question for commitment, the question being put to the Council, it passed in the affirmative, and was negatived by the General Assembly.

The Court adjourned to the 26th, and no person appearing for Draper, the Court ordered and awarded judgment in favor of the proprietors of Wilmington. The decree is set forth in full on the journal.

Mr. Knight, in behalf of the proprietors of Draper, moved for a review in the case, &c. The Court do therefore

*Order*, That a review be granted accordingly; and that they will then hear the matter in dispute, and finally determine the same. (Signed) ROSWELL HOPKINS, *Clerk*.<sup>2</sup>

*Election of Agents and Delegates to Congress.*

THURSDAY, Oct. 28, 1784.

Agreeable to order, proceeded to choose by joint ballot of Governor, Council, and Assembly, three *Agents* to attend Congress,

<sup>1</sup> *Council Journal*, Vol. II, 143.

<sup>2</sup> Printed *Assembly Journal*, 35-37. These proceedings were under the second and third sections of an act of 1779, which were repealed in 1786.—*Slade's Vermont State Papers*, 394, 505.

to transact and negotiate the business of this State with that body. The ballots being taken and sorted, the Honorable Moses Robinson, Ira Allen, and Nathaniel Niles, Esquires, were elected.

Agreeable to order, the General Assembly proceeded to choose three *Delegates* to [represent this State in] Congress. The ballots being sorted and counted, the Honorable Moses Robinson, Ira Allen, and Nathaniel Niles, Esquires, were elected.<sup>1</sup>

*Free Trade with Canada, and through Canada with Europe.*

This subject was again considered, in the two Houses separately and in joint assembly, with the following result:

An act for the purpose of opening a free trade to and through the province of Quebec.

Whereas, many advantages will arise to the citizens of this State, by extending commerce to the province of Quebec, and through that channel to Europe: Therefore,

*Be it enacted*, &c., that the Governor and Council be, and they are hereby authorized and empowered, to appoint one or more persons, not exceeding three, to repair to the province of Quebec, with full power to confer with any person, or persons, that may be authorized therefor, by any power with whom it shall be necessary to agree, concerning matters of trade and commerce; and to transact with such person, or persons, all such matters and business as shall be necessary to complete, on the part of this state, the opening a free trade into, and through, said province of Quebec.<sup>2</sup>

IN COUNCIL: Oct. 29. *Resolved*, that three agents be appointed to transact the necessary business of opening a free Trade to foreign Powers, through the Province of Quebec, agreeable to an act of the Legislature of this State passed this day, entitled "an act for the purpose of opening a free Trade to and from [through] the Province of Quebec;" and that the Honbl. Ira Allen, Esq., Major Joseph Fay, and the Honbl. Jonas Fay, Esq., be and hereby are appointed Agents or Commissioners for the purpose aforesaid.<sup>3</sup>

<sup>1</sup> *Assembly Journal*, 1778-1784, 635; and printed *Journal*, 45.

<sup>2</sup> Printed *Journal*, 41, 43, 44, 49, 51; and *Slade's State Papers*, 496. The Governor and Council submitted two propositions, one for "free trade and commerce with the Province of Quebec upon Terms of Reciprocity;" and the other of obtaining leave to pass by water "to said Province with their [our] lumber, and to Barter or Exchange Commodities upon Terms reciprocal with foreign Powers."—*Council Journal*, Vol. II, 142, 143.

<sup>3</sup> *Same*, 145. <sup>3</sup> *Council Journal*, Vol. II, 150.

*June Session of the General Assembly, 1785.*

1785. The General Assembly met at Norwich, pursuant to  
 June 2. previous adjournment. On the 3d, the Governor was requested to inform the House what had been done under the act for Free Trade to and through the Province of Quebec; on the 6th, the Speaker, by order of the House, communicated this request, and on the same day the Governor replied, informing the House of the appointment of Agents, of the mission of Ira Allen, and that on the 8th Mr. Allen would make his report. On that day, accordingly, the following report was submitted to the House, from which it will be seen that he was to some degree successful, and moreover that *he had instituted a negotiation with Great Britain*, through the Lieut. Governor (then acting Governor) of the Province of Quebec:<sup>1</sup>

*Report on the Mission to the Province of Quebec.*

Agreeable to the order of the day, the Honorable Ira Allen, Esq., made the following report of his proceedings on his commission to the Province of Quebec, &c., viz.

*To the Honorable the General Assembly now convened at Norwich.*

To your message of the 6th instant, I have the pleasure to return the following answer, viz. That in pursuance to appointment and commission for the purpose of negotiating and establishing, on the part of this State, a free trade to and through the Province of Quebec, to Europe, I waited on his Honor Lieutenant-Governor Hamilton, in the city of Quebec, in the month of March last, where I was politely received by the Governor and members of the Legislative Council of said Province. I laid before the Governor a duplicate of my commission, together with a copy of an act of the Legislature on said subject. The Governor convened the Council; and, after deliberation, informed me, that the powers vested in them were not competent to the establishing a treaty of commerce; but showed a willingness to do any thing that might be consistent, to facilitate such treaty. I wrote an address to the Governor on the subject, which, together with the act of the Legislature, and duplicate of my commission, was sent to his Majesty. Sundry letters were wrote and sent to correspondents in London on the subject. I expect to be informed by writing from Quebec

<sup>1</sup>*Assembly Journal*, June 1785, 6, 10, 11, 16.

of the returns from London. In the mean time the produce and manufactures of this State are admitted into the Province of Quebec, and the produce, manufactures, and merchandize, of the Province of Quebec and Great Britain, are admitted into this State; peltry excepted, which being contraband, are forfeited if detected; as also many other articles of foreign growth and manufactures, if attempted to be carried in, and detected, from this way. A moderate fee is payable to the Custom-House Officer at St. John's, for the trouble of examining and clearing our boats.

I have the honour to be, with due respect,

your most obedient humble servant,

(Signed)

IRA ALLEN.

Norwich, June 7, 1785.

Which being read, a motion was made by Mr. Knight; whereupon,

*Resolved*, That the Honorable Ira Allen, Esq. be requested to lay before this House, at the opening of the House to-morrow morning, an account of his expences, and days in service, in negotiating the business of his appointment, as a Commissioner, for the purpose of negotiating a free trade, on the part of this State, to the Province of Quebec, and through the same to Europe.

*Ordered*, That Mr. Barlow wait on the Honorable Ira Allen, Esq. with the aforesaid resolution; and likewise request him personally, as Surveyor-General, to make report of his proceedings therein; likewise the expenses that have accrued in surveying.

On the 9th, Mr. Tichenor asked and obtained leave to bring in a bill to repeal the act under which the foregoing negotiation had been instituted; which was introduced on the 13th, accepted, and sent to the Council for perusal and proposals of amendment. On the 17th the bill was returned to the House, with an adverse opinion by the Council, when, after some debate, it was referred to the next session.<sup>1</sup>

### *Coining of Money Authorized.*

June 10. Reuben Harmon jr. prayed for leave to coin a quantity of copper, and on the 15th the prayer was granted by the passage of an act.<sup>2</sup>

<sup>1</sup> *Assembly Journal*, June Sess., 21, 29, 40.

<sup>2</sup> *Assembly Journal*, 26, 30, 36.— See exhaustive paper on this subject, by Rev. EDMUND F. SLATER, A. M., in *Vt. Historical Society Collections*, Vol. I, 289-318.

*Prescription for disappointed Office-Seekers.*

IN COUNCIL: June 9th. On taking into consideration the allegations, &c., exhibited against Mr. Ebenezer West's being commissioned as a justice of the peace, *Resolved*, that the Council are of opinion that there is nothing appears sufficient to bar him from a right to receive a commission, yet considering the very unhappy dissensions among the inhabitants of the town [Vershire] the Council judge that it will not be for the peace and prosperity of the town for any one to be commissioned at present.<sup>1</sup>

*Trials on Impeachment.*

On petition from inhabitants of Springfield, John Barrett, Esq., a justice of the peace for the county of Windsor, was impeached by the Assembly, tried by the Governor and Council, and found guilty, and thereupon it was ordered and decreed that he be suspended from the exercise of the office. Mr. Barrett asked for a review, but the Council refused to grant it without order from the Assembly; which Mr. B. subsequently procured. Oct. 24, Col. Barrett was again convicted, suspended for six months, and required to pay the costs of prosecution—£11 s19.<sup>2</sup> At the same session, Matthew Lyon was impeached, for refusing to deliver the records of the court of confiscation to the Council of Censors. Mr. Lyon was convicted, and ordered to deliver the record. He was also sentenced to a reprimand, and to a fine of £500 on his neglect to appear. He appeared, the sentence was read, and then, on Mr. Lyon's request, a new trial was granted.<sup>3</sup> The case seems not to have been tried again.

*October Session of the General Assembly, 1785.*

The General Assembly met at the town house in Windsor, October 13. There having been no choice of Treasurer by the people, Ira Allen was elected by ballot in joint assembly on the 14th.<sup>4</sup>

*Duty on Nails proposed and dismissed.*

IN ASSEMBLY: Oct. 17. A petition signed by Matthew Lyon, praying that a duty of two pence pr. pound might be laid, on all

<sup>1</sup> *Council Journal*, Vol. II, 165. Mr. West was commissioned in 1786.

<sup>2</sup> *Same*, Vol. II, 167-178, 182, 187, 206, 223, 239. <sup>3</sup> *Same*, 203-205.

<sup>4</sup> *Ms. Assembly Journal*, Vol. II, 498, 499.

nails brought into this State, which would be a sufficient encouragement for him to build a slitting-mill, was read and dismissed.<sup>1</sup>

Oct. 14, Lyon had petitioned that broken cannon, mortars, &c., at Mount Independence might be sold to him, to be used in making bar iron, and on the 18th an act for that purpose was passed.<sup>2</sup>

Oct. 18, Moses Robinson, Ira Allen, and Stephen R. Bradley were elected *Agents* to Congress by joint ballot of both Houses. No election of *Delegates* appears to have been made.

*Wilmington vs. Draper disposed of.*

Oct. 24. The proprietors of Draper, by their attorneys Mr. Knight and Mr. Bradley, plead to the jurisdiction of the court. The question being put whether this Court will take any further cognizance of the bill or petition, it passed in the negative.<sup>3</sup>

IN COUNCIL: Oct. 26. *Resolved*, that it is the sense of the Council that unless the House of Assembly shall recede from their last determination in the cause between Wilmington and Draper, the Governor, Council, and General Assembly, in capacity of a Court of Equity, can take no further cognizance of said cause, as the Council are of the opinion, that the House of Assembly have the same right now to Dismiss the said cause, as they had at first to determine they had a right to Take Cognizance of the same.<sup>4</sup>

*Proposed Naturalization of a Citizen of New Hampshire.*

Oct. 26. A bill was brought in entitled "an act to naturalize Solomon Willard, late of Winchester in the county of Cheshire and State of New Hampshire, Esq., and granting him the freedom of the State of Vermont."

This bill does not again appear on the journal, but on the 7th of March, 1787, by the second section of "an act establishing the Constitution of VERMONT, and for determining who are entitled to the Privileges of the Constitution and Laws," all subjects of the United States were equally entitled to the privileges of law and justice with the citizens of this State.<sup>5</sup>

<sup>1</sup>*Assembly Journal*, Vol. II, 519. Lyon on another occasion asked for the exclusive right, for the term of eighteen years, of splitting bar-iron into nail-rods, which was not granted. Here are germs of the protective policy afterwards adopted by Congress in tariffs and patent laws.

<sup>2</sup>*Assembly Jour.*, 500, 525. <sup>3</sup>*Same*, 537. <sup>4</sup>*Council Journal*, vol. II, 229.

<sup>5</sup>*Ms. Assembly Journal*, Vol. II, 538; and Pamphlet *Acts*, February and March, 1787, 31. This "act establishing the Constitution" was reported by the committee on revision, embracing certainly two very distinguished lawyers — Nathaniel Chipman and Stephen R. Bradley.—See note, *ante* 277, and 000.

The three acts of special importance were :

An act for settling disputes respecting landed property.—[At that time called “the quieting act.”]

An act directing what money shall be legal currency in this State, and at what rate the same shall pass.<sup>1</sup>

*The Betterment, or Quieting, Act.*

The peculiar circumstances of real property in Vermont, owing not only to the conflict in grants of New Hampshire, New York, and Vermont, but also to conflicting Vermont grants in some instances, created great anxiety among the persons in possession, who were in danger of ejectionment, and for several sessions persistent efforts had been made to provide a remedy. At the March session, 1784, a bill for this purpose had been prepared, and, on the recommendation of both Houses in Joint Assembly, it was deferred, according to the constitution, to the next session, and ordered to be printed for the information of the people, and the act was passed suspending suits on law titles.<sup>1</sup> At the succeeding sessions,—October 1784, and June 1785,—this subject was first in the order of business, but the bill was defeated in the first named session by twelve votes, and in the last on a tie vote.<sup>2</sup> Daniel Chipman gave to Gov. Chittenden the credit for originating this measure, declaring that

“He was precisely the man to devise the best mode of relief. He had a strong sense of equity, and deeply sympathized with the unfortunate settlers. And what peculiarly fitted him for this occasion was, that he knew nothing of the technical niceties of the law. He therefore found nothing in the way, nothing to prevent him from pursuing that course which was dictated by the

<sup>1</sup> *Slade's Vt. State Papers*, 500–503. *Vt. Hist. Coll.*, Vol. 1, 295.

<sup>2</sup> *Assembly Journal*, 1778–1784, 569. Sec. 14, Part II, of the constitution provided that “all bills of a public nature shall be first laid before the Governor and Council for their perusal and proposals of amendment, and shall be printed for the consideration of the people, before they are read in the General Assembly, for the last time of debate and amendment; except temporary acts, which, after being laid before the Governor and Council, may (in case of sudden necessity) be passed into laws; and no other shall be passed into laws, until the next session of assembly.”—*Slade's State Papers*, 249.

<sup>3</sup> *Assembly Journals*, [printed,] Oct. Sess. '84, 26; June Sess. '85, 12.



principles of natural justice." "He therefore proposed a law, giving to the settler, in case of eviction, the full value of his improvements, and half the rise of the land. A bill to this effect, had been introduced several sessions before, but being opposed by almost all the lawyers in the State, it was postponed to the October session of the Legislature at Rutland, in 1784. The law, they said, makes every man a trespasser who enters on the land of another without license, and subjects him to damages; instead of this, you would compel the legal owner to pay him a bounty for his trespass. The bill was taken up again at this session, when Nathaniel Chipman was a member. But although there was a majority in favor of the principles," "yet they were not able to agree on the details of the bill. No wonder, for it was a new case. They could avail themselves of no precedent; they could resort to no form. Not being able to pass the bill at this session, and feeling a pressing necessity of passing it as soon as possible, the legislature had an adjourned session at Norwich, in June, 1785, that they might have time to mature and pass the bill, afterwards called the quieting act. The bill was taken up at the adjourned session and referred to a committee, of which Nathaniel Chipman was a member.<sup>1</sup> When the bill came into his hands, he revised it in such a manner, that it passed the house by a decided majority. His strong sense of justice, and his comprehensive and discriminating mind, enabled him as a legislator to adapt the law to any new state of things with the same ease with which, in the administration of justice, he applied the principles of law to new cases when they occurred, in such manner as to do perfect justice between the parties. Thus a law was passed by the legislature of Vermont, perfectly novel in its character, yet so clearly founded on the principles of natural justice, that it has always been in great favor with the people of this state, and several of our sister states, availing themselves of our invention and our experience, have adopted the same system."<sup>2</sup>

#### *Council of Censors.*

The first Council met at Norwich in June, 1785, at Windsor in September following, and at Bennington in February, 1786, and

<sup>1</sup> The editor does not find Mr. Chipman named on the committee in the journals, either in 1784 or 1785, but *Gov. Chittenden* was, and he would be apt to require the most valuable services of Judge Chipman.

<sup>2</sup> *Life of Nathaniel Chipman*, 63-65.—Mr. Chipman was not accurate in this matter, having probably written from memory many years after the event. Oct. 19, 1785, a remonstrance on this subject was referred by the

revised the entire Constitution. A prominent feature in the journal of the General Assembly, Oct. session, 1785, is the record of sixteen resolutions recommending the repeal or alteration of statutes, and of the acquiescence of the Assembly in nearly all of these recommendations.<sup>1</sup> The Council also instituted the impeachment of Matthew Lyon, hereinbefore noticed, by a resolution requesting the Assembly to impeach him. This last fact is stated in Slade's record, in a note at p. 530.

#### OBSTACLES IN CONGRESS TO THE RECOGNITION OF VERMONT.

In 1785 movements had been made for forming three new states, besides Vermont, in the territory claimed by some of the original thirteen : Kentucky, from Virginia ; Franklin [now Tennessee], from North Carolina ; and Maine, from Massachusetts. Congress was embarrassed by the claim on the one side of the old states that, by the third article of confederation, any countenance to these movements was forbidden,<sup>2</sup> and on the other by the neces-

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House to Mr. Ormsby, Mr. Marsh, Mr. Wells, Mr. Weld, and Mr. Loomis; on the 25th their report was referred to Messrs. Wait, Olin, Marsh, Loomis, and Knowlton, who on the 27th "brought in said act *as it was inserted in a newspaper*, with some additions, &c., which was read, accepted, and sent up for concurrence." [*Ms. Assembly Journal*, Vol. II, 529, 535, 542.] The Council concurred on the same day.—*Same*, 543. Thus in the official history of this statute, Nathaniel Chipman appears as an opponent only. It is quite probable that the bill as "published in the newspaper," was Judge Chipman's, and that thus he was really entitled to the credit claimed for him by his brother. On the yeas and nays, Oct. 1784, and June 1785, Judge Chipman voted against the bill — undoubtedly for the want of amendments subsequently made. As the measure of relief in the act is that proposed by gov. Chittenden, the amendments must have been to the machinery of the act only; so this was in fact a notable triumph of the governor's "strong sense of equity" over the special pleading of "almost all the lawyers of the State" in his day. The act has proved to be a lasting monument to the wisdom and justice of Chittenden.

<sup>1</sup>For proceedings of the Council of Censors, see *Slade's State Papers*, 511-544.

<sup>2</sup>By this article the thirteen States bound "themselves to assist each other, against all force offered to, or attack made upon them, or any of them, on account of religion, *sovereignty*, trade, or *any other pretence whatever*."— *The Constitution*, by W. Hickey, 484.

sity of respecting the wishes and interests of large bodies of people, and the future prosperity and harmony of the nation. Hence earnest attempts were made to devise a scheme for the settlement of a question that was fraught with danger. This served to defer the favorable decision which a majority of congress were ready to make as to Vermont. The following, from documents, copies of which were communicated to Vermont at the time, elucidates this matter.

*Congress and its Committee on Districts of States claiming Independence.—1785–1786.*<sup>1</sup>

October 12, 1785. Congress passed a resolution as follows: The delegates from Massachusetts and Virginia having withdrawn their motion of the 7th instant, on motion of the delegates of said States,

*Resolved*, That a grand committee be appointed to report what measures are proper for Congress to adopt, to prevent the ill consequences of a particular district of any State setting up and claiming the right of independent government, without the consent of said State and of the United States.<sup>2</sup>

The following account of the proceedings of this committee is found among the papers used by Mr. Slade in compiling his volume of State Papers.

Last October a large committee was appointed by Congress to take into consideration what rule of conduct it might be proper for the United States to adopt in regard to those districts of territory which were claimed by any of the States, the inhabitants of which had assumed or might in future assume the rights and powers of independent sovereignties.

The committee was composed of the Hon. Mr. Long from New Hampshire, Mr. Gerry from Massachusetts, Mr. Ellery from Rhode Island, Mr. Cook from Connecticut, Mr. Smith from New York, Mr. Stewart from New Jersey, Mr. Gardner from Pennsylvania, Mr. Vining from Delaware, Mr. Hindman from Maryland, Mr. Hardy from Virginia,<sup>3</sup> Mr. McKean from South Carolina.

The following plan was drawn up and laid before the committee by Mr. Gerry, viz :

<sup>1</sup> Designed by WILLIAM SLADE for the *Vermont State Papers*, but not printed.

<sup>2</sup>*Jour. Cong.* Oct. 12, 1785.—See also *Journal* of the 7th and 31st Oct.

<sup>3</sup> Mr. Hardy died Oct. 17, 1785.—See *Jour. of Cong.* of that date, p. 600.

“Whereas by the third article of the confederation the States have severally entered into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force opposed to, or attacks made upon them or any of them, on account of religion, sovereignty, trade, or any pretence whatever :

“And whereas a separation of any district from a State having a right to exercise constitutional jurisdiction over such district, unless by the consent of the State and of the United States, would be a violation of and have a tendency to subvert the fundamental principles of the Union : therefore

“*Resolved*, That Congress highly disapprove of all meetings, combinations, and other measures not authorized by the States respectively in the first instance, and also by the United States, for the purpose of separating any district or territory from a State having a right to exercise constitutional jurisdiction over the same, and Congress consider themselves bound, on the application of any State for that purpose, to support, where necessary, such State in the due execution of the laws thereof, for preventing such separation, until it shall be made in a mode that may be adopted by the States in Congress assembled, and ratified by the several States in the Union.”

The committee did not agree to the preceding draught, and accordingly it was not reported ; in consequence of which a sub-committee being appointed out of the general committee, the plan which succeeds was drawn up by a member and laid before them, as follows, viz :<sup>1</sup>

“Whereas, from the local circumstances of a State in the course of human events it may become expedient for it to permit a district or part thereof to separate from it, and set up an independent jurisdiction ; and it may also become expedient that the United States in Congress assembled should consent to such separation and admit such district into the present federal Union :

“And whereas the United States in Congress assembled are not authorized by the confederation to admit the independency of and receive into its federal union a District or part of a State, which may separate and set up an independent jurisdiction as aforesaid :

“*Resolved*, Therefore, that it be recommended to the legislatures of the several States to authorize *nine* of the original States in Congress aforesaid to admit into the federal Union a district or

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<sup>1</sup> This plan is substantially the same that was proposed to Congress by the delegates from Rhode Island, Oct. 7, 1785.—See *Journal* of that date, p. 596-7.

part of a State, which, with the consent of the State to which said district belonged, and the consent of *nine* of the original States, shall have separated from the parent State and erected an independent jurisdiction."

The foregoing being not agreed to, was not reported to Congress, upon which the third plan was drawn up and laid before the committee, to be adopted as their report to Congress. It was in the following words :

"Whereas, for the happiness of mankind, and from the local circumstances of a state, it may in the course of human events become expedient that a State should permit a district or part thereof to separate therefrom, and become an independent jurisdiction ; and it may also become expedient that the United States in Congress assembled should consent to such separation, and admit such district to the rank of an independent State, and to be a member of the federal Union :

"Therefore, *Resolved*, that it be recommended to the legislatures of the several States to authorize the United States in Congress assembled to admit a district or districts in any State to separate and become an independent State on the following terms :

1st. That the extent of the district shall not be less than miles long and miles wide.

2d. That the original State shall consent to such separation by an express act of their legislature ; providing that if the United States in Congress assembled shall not, by the vote of *nine* States of the original States, think it expedient to admit such district into the federal Union, that they shall return to the jurisdiction of the original State.

3d. That their government shall be republican.

4th That they shall be subject to pay a part of the federal debt contracted or to be contracted, to be apportioned on them by Congress by the same rule by which apportionments shall be made on the other States.

5th. That they shall be subject to the articles of confederation, ordinances and resolutions of Congress made or to be made.

6th. That they shall forever remain a part of the confederacy of the United States of America.

"And whereas a separation on any other terms would be highly derogatory to the dignity of the Union :

*Resolved*, That the United States in Congress assembled hold themselves bound, on the application of any State, to support them when necessary, in their jurisdictional rights over every part of the said States according to the third article of the confederation."

The committee did not agree to this last plan. However, there

might probably have been a majority to recommend adopting it by Congress were it not for the final clause. No report has been made to Congress, and thus the matter has lain till this time ; no effort being made, and probably will not be made, from the present situation of affairs, against the exertions of those districts which have assumed independent sovereignties.

The preceding minutes and propositions, which were laid before the committee and sub-committee, are by no means to be made public.

*New York, May 27, 1786.*

With the foregoing paper, Mr. SLADE delivered to the state a few letters and other documents, dated in 1787, 1788, and 1789, which will be used in chronological order. The following belongs in this place.

*Hon. William Samuel Johnson to Gov. Chittenden.<sup>1</sup>*

NEW YORK, 18th October 1785.

*Sir:*—I beg leave to mention to you, that the Bearer Mr. Kelly, and all the gentlemen of New York, who have Patents under the late Province of New York for Lands in Vermont, which had not been previously Granted by New Hampshire, exerted themselves extremely last Winter to serve the people of Vermont and obtain their Independence ; For this purpose they presented a Petition to the assembly of this state, praying that they would pass a Law to enable their Delegates in Congress to Apply for and Consent to the Sovereignty and Independence of Vermont. In consequence of which a Bill was brought into the House of Assembly to that effect, a Certified Copy of which you have here enclosed.<sup>2</sup>

Mr. Kelly has laid before me a Letter of Instructions and power of Attorney from the Gentlemen who presented the said Petition,

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<sup>1</sup> WILLIAM SAMUEL JOHNSON, LL.D., agent in England for Connecticut in 1765, when he assisted the Vermont agent, Samuel Robinson.—*Vt. Hist. Coll.*, vol. 1, 4, 275, 342. Mr. Johnson was a delegate in congress when this letter was written ; a member of the convention which formed the constitution of the United States, also of the first U. S. Senate ; and president of Columbia (N. Y.) college from 1792 to 1800. He died in 1819, aged 92.

<sup>2</sup> Several of the most prominent men in New York were favorable to Vermont : Gouverneur Morris as early as 1778, Gen. Schuyler in 1781, and John Jay and Alexander Hamilton subsequently. Of course the names of many wealthy and influential men were appended to the petition above referred to. A like petition will be given hereafter.

directing him to offer their Lands to the persons now residing thereon upon such Terms, as upon the best Examination I have been able to give the Subject, appear to me reasonable and Just. I am induced therefore to request that you will recommend a Compromise to those Settlers; for if they should not avail themselves of this favorable opportunity of Securing an indisputable title to their Farms, the New York proprietors will probably ere long raise the price of said lands, which they alledge they had lotted out antecedent to the late War, and actually sold some parts thereof to persons who Settled thereon, and who in some instances executed Bonds and Mortgages for the Consideration Money, and in others entered into written Agreements for the purchase of them, and yet afterwards took Grants from Vermont for the same Lands.

Be assured Sir these Sentiments are dictated by the principles of Humanity and friendship for the Settlers, and a sincere desire to prevent expensive and ruinous Controversies which so litigated a Subject may occasion to both parties.<sup>1</sup>

Give me leave to mention upon this occasion, that I should be extremely happy in an opportunity to renew our former acquaintance & friendship, & to converse with you, or any of your Friends, upon the general affairs of your State as relative to the United States, which have lately been the subject of much conversation here. I have the Honour to be with great respect & esteem

Yr Excell<sup>y</sup>s most obedient humble Servant

W<sup>m</sup> SAM<sup>l</sup> JOHNSON.

*His Excell<sup>y</sup> Thos Chittenden Esqr*

*Relief by New York to its adherents in Cumberland [Windham] County.*

1786. The following petition and accompanying statement Feb. 24, 28. were presented to the Senate of New York, in behalf of the petitioners and "the Vermont sufferers:"

To his Excellency the Governor and the Honourable the Legislature of the State of New York, the Petition of the Subscribers, in behalf of themselves and others most Humbly Sheweth,

That your Petitioners and those they represent are Inhabitants of Cumberland County and by their attachment, zeal and activity in Endeavouring to support the Just and Lawfull Authority of New York Incurred a Displeasure from those who stiled them-

<sup>1</sup> As a literal copy of this letter has been attempted, it should be noted that thus far it was written by a secretary; the remainder was by Dr. Johnson.

selves Freemen of Vermont, But by encouragement from the several Resolutions of Congress and Particularly that of the fifth of December 1782, and the laws and Resolutions of the state of New York, your Petitioners were induced to believe that the Lawless and ungratefull usurpers would be brought to submit to its Lawfull authority, or at least to permitt your Petitioners to remain peaceably on their Farms, under the Jurisdiction of New York, But notwithstanding the Resolutions and Laws, these Lawless usurpers, raised in Arms to the Number of four or five Hundred, Drove some of your Petitioners from their habitations, Imprisoned others, killed one, and wounded others, confiscated their Estates and sold their Effects.

Your Petitioners cannot but hope that having thus sacrificed their all, suffered such exquisite Tortures, Banishments, Imprisonments in loathsom Gaols, half starved, and threatened with being put to Ignominious Deaths, But, that your Honours will take their case into your most serious Consideration, and grant them some relief in their Deplorable Situation, and your Petitioners as in duty bound will ever be good Citizens of the State of New York.

TIMOTHY CHURCH, Colo.,

WM. SHATTUCK, Majr.,

HENRY EVANS, Majr.<sup>1</sup>

New York, 24<sup>th</sup> Feb'y 1786.

### *A List of the Civil and Military Officers*

In the County of Cumberland who were Commissioned by the State of New York, and who have been either Imprisoned Banished or have had their Effects taken from them by the Authority of Vermont and also the amount of their losses, Estimated by a Committee on Oath.

Civil Officers.	Military Officers.	Number of Privates.	Amount of Damages Sustained.
Timothy Phelps Sheriff,	Timothy Church, Colo.	Upward of one hundred.	Sixteen Thousand Six Hundred and Sixty-three pounds Thirteen Shillings and Eight pence.
Elijah Prouty,	Wm. Shattuck, Majr.		
Samuel Bigby,	Henry Evans, do		
Dani. Shephardson, Justices of Peace.	Joseph Peck Capn.		
	Thos. Baker do		
	Joseph Ellet do		
	Dani. Ashcraft do		
	Artomas How do		
	Wm. White Licut.		
	Elihu Root do		
	Isaac Wells do		
	Dani. Danilson do		
	John Alexander, Lieut.		
	Francis Prouty, do		
	Isaac Crosby do		
	Jonathan Alexander Ensign		
	Simion Terrel do		
	David Lamb do		
	Joshua Russ do		
	Ruben Church do		
	Joel Bigelow Adjutant.		

We and each of us do most Solemnly and Sincerely Swear and Declare in the presence of Almighty God, that the above is to

<sup>1</sup> *Documentary History of New York*, Vol. iv, 1014.



the best of our Knowledge and belief a Just and True account of the names and numbers of officers Both Civil & Military the numbers of Privates as nearly as can be ascertained, and the amount of the Damages.

TIMOTHY CHURCH,  
WM. SHATTUCK,  
HENRY EVANS.

Sworn the 28<sup>th</sup> day of Feb<sup>y</sup> 1786 before

JNO. HOW HOBART.<sup>1</sup>

In answer to this petition, both houses of the New York legislature resolved to "make provision for granting to Col. Timothy Church, Major William Shattuck, Major Henry Evans, and about one hundred other Persons whom they represent, a quantity of Vacant Lands equal to a Township of Eight Miles Square." On the 5th of May a tract was appropriated for the purpose, at the junction of the Unadilla and East branch of the Susquehanna rivers, in what is now [1871] Chenango county.<sup>2</sup> The town was first named "Clinton," then "Jericho," and is now "Bainbridge." For the list of persons to whom the land was allotted, see *Early History*, 757-760.

On the 12th of Dec., 1786, Col. Eleazer Patterson, Samuel Knight, Benj. Butterfield, John Sergeant, and Josiah Arms, in behalf of themselves and twenty-three others, signed a petition to Gov. Clinton, wherein they declared that they had been "uniformly loyal to the State of New York, Supported the rights and Interests thereof having not only frequently risked their Lives but expended large sums of money, and Lost an abundance of time in Defence of the said State, in consequence of which many of your Petitioners were imprisoned and others dispoiled of Property to a considerable amount, by the Vermonters." They admitted that when "totally abandoned [by New York] to the fury of their enemies," "rather than be deprived of their whole Property they were obliged to submit to the usurpation of the Government of Vermont." They professed to admire the constitution and revere the rulers of New York, and prayed for a patent of wild land. This petition was referred to a committee, who reported "that in their opinion as there are no vouchers to support

<sup>1</sup> *Documentary History of New York*, Vol. iv, 1015. <sup>2</sup> *Same*, 1016-1020.

the facts alleged in the said petition the prayer thereof ought not to be granted.”<sup>1</sup>

*The Constitution revised and amended — First Constitutional Convention.*

On the last Tuesday in June the first Constitutional Convention met in the meeting-house in Manchester;<sup>2</sup> and organized by the appointment of MOSES ROBINSON, *President*, and ELIJAH PAINE, *Secretary*, both of whom were United States Senators in 1795-6—a fact which is here mentioned because it goes to show that it was then deemed most fit by the people to commit the Constitution to the care of the ablest and best men of the State. On the 4th of July the Constitution, revised and amended, was adopted by the Convention. It was prefixed, as “the Constitution established,” to the pamphlet laws passed by the Legislature in February and March, 1787, pages 5-18. In the Constitution as revised by the first Council of Censors, &c., published in *Slade's State Papers*, the original declaration of the reasons for declaring the State independent and organizing government was *omitted*. Whether it was omitted by the Council also, the editor is not certain, but the manuscript journal of the Council shows no resolution or vote recommending its omission, and the Constitutional Convention did not omit it, but published it as a part of the revised Constitution.<sup>3</sup>

*October Session of the General Assembly of Vermont, 1786.*

The House Journal does not name the town where the General Assembly met, but the journal of the Governor and Council is dated “Rutland, 12th October, 1786.” There having been no election of Treasurer by the people, SAMUEL MATTOCKS was elected in Joint Assembly to succeed Ira Allen, who had been Treasurer from the organization of the State.

IN COUNCIL: Oct. 25. An execution issued against John Barrett, Esq., for £27.12.8, cost of his suit of Impeachment, signed by order of Council.<sup>4</sup>

<sup>1</sup> *Documentary History of New York*, Vol. IV, 1020-1022.

<sup>2</sup> *Slade's Vt. State Papers*, 531.

<sup>3</sup> For the original Constitution see *Slade's Vt. State Papers*, 241-255; and for the revised Constitution of July 4, 1786, see *Statutes of the State of Vermont*, passed Feb. and March, 1787, 5-18.

<sup>4</sup> *Council Journal*, Vol. II, 278. For both trials.

*Commercial Treaty with Canada and Great Britain.*

Oct. 26. On motion of the Hon. Ira Allen, Esqr., respecting A COMMERCIAL TREATY WITH THE PROVINCES OF CANADA AND GREAT BRITAIN, requesting that Mr. Levi Allen be appointed in lieu of Joseph Fay, resigned, therefore *Resolved*, that Mr. Levi Allen be and he is hereby appointed in lieu of said Joseph, and that Levi Allen's name be entered in said Commission for that purpose.<sup>1</sup>

*A Temporary Treasurer, and dearth of Paper.*

IN ASSEMBLY: Oct. 14. *Resolved*, that Col<sup>o</sup>. Ira Allen be requested to open and continue the office of Treasurer during the present Session, and that he be requested to forward an express, at the expense of the State, for the necessary paper.<sup>2</sup>

Oct. 25. Mr. Allen moved for leave to bring in a bill to prevent persons *in kingdoms or governments* from collecting debts in this State where the inhabitants of this State cannot recover by law their just debts. *Ordered*, that he have leave, &c.<sup>3</sup>

*Notice to Creditors of the State.*

Oct. 26. *Resolved*, that the Clerk of this Assembly publish in *both the newspapers*, [at Bennington and Windsor,] for six weeks successively, notifying all persons who have any demands against this State to present the same for approbation to this Legislature at their next Session, *or that they be forever barred from the same.*<sup>4</sup>

*Paper Currency Rejected.*

Oct. 27. The question being put whether a paper currency shall be emitted, it passed in the negative.<sup>5</sup>

*Election of Agents to Congress.*

Oct. 30. Proceeded by joint ballot of Governor, Council, and assembly to choose *Agents* to Congress. The ballots being taken, the Honble. Moses Robinson, Ira Allen, and Isaac Tichenor, Esquires, were elected.<sup>6</sup>

*Friction in the Machinery of Legislation.*

IN COUNCIL: Oct. 31st. An act to oblige the fulfillment of contracts having passed the House was read in Council *and disapproved.*<sup>7</sup>

<sup>1</sup> Council Journal, Vol. II, 274. <sup>2</sup> Assembly Journal, Vol. III, 9.

<sup>3</sup> Assembly Journal, Vol. III, 53. <sup>4</sup> Same, 57. <sup>5</sup> Same, 60. <sup>6</sup> Same, 69.

<sup>7</sup> Council Journal, Vol. II, 279.

On the House Journal of the same day, the message of the Council set forth the resolution in full, disapproving the bill and proposing, with some particularity, *a substitute*: when the question was put to the House on the passage of the bill "into a law of this State, it passed in the affirmative."

IN ASSEMBLY: Oct. 31. The following resolution was sent from Council:

"IN COUNCIL, 31 Octr., 1786. The Council being informed that their proposals of amendment on the bill entitled an act to compel the fulfillment of contracts *has not been attended to*, but the bill passed into the law—they therefore propose that said bill be returned to the Council for revision and concurrence.

"Per order, . . . JOSEPH FAY, *Sec'y*."

Which being read, the question was put, whether this House will send back the bill requested, and the yeas and nays required. They are as follows: [names omitted; yeas 24, noes 30;] so it passed in the negative, and

*Resolved*, that, in the opinion of this House, the said bill was returned to this House *without any proposals of amendment by the honorable Council*, and therefore that the said bill was constitutionally passed into a law; and that Mr. Marvin be directed to acquaint the honorable Council therewith.<sup>1</sup>

The most important acts of this session were:

An act to make such articles a tender upon execution, to the inhabitants of either of the United States, as are, by their respective laws, a tender upon execution.

An act for prolonging the time in which the grantees of lands, granted by this State, are obliged to settle the same. [Three years after the lines of the town had been run by order of the Legislature.]

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<sup>1</sup> *Assembly Journal*, Vol. III, 71-73.

In Parliamentary law, *now* certainly, a substitute for a bill, by striking out all after the enacting clause and inserting another entirely different, is "an amendment." The Council in this case proposed a substitute in sufficiently distinct terms to be practically an amendment, and yet *pro forma* it was not one. The question was of little importance then, as the House ultimately controlled all bills; and *now* it is an impossible question, since each House, if it disapproves a bill, must either reject it or concur with formal amendments. The incident is recorded here merely as a novelty is legislation.

An act to repeal part of "an act constituting the Superior Court, a Court of Equity," &c. [So much as made the General Assembly a Court of Equity.]

An act to prevent the sale and transportation of negroes and mulattoes out of this State.

An act defining and limiting the jurisdiction of Justice Courts, &c. [Criminal actions where the fine was within forty shillings, and the corpóral punishment not exceeding *ten stripes*; and civil cases where the matter in demand did not exceed four pounds; with details as to forms and modes of proceeding.]

An act to compel fulfillment of Contracts according to the intent of the parties. [If by the contract the debt was payable in specific articles, these articles would discharge the debt, although not tendered, or taken on execution, until after the *time* named in the contract had expired.]<sup>1</sup>

Gov. Chittenden had in August issued an address to the people of Vermont, for the purpose of allaying discontent and encouraging expectations of legislative relief. For this the governor was assailed by ribaldry too indecent for the newspapers in later days, his address being treated as merely an electioneering effort. The time warranted the suspicion, but the address nevertheless showed much wisdom and shrewdness. It advised patience, industry and economy, and a disuse of foreign and increase of domestic productions; discouraged litigation; suggested a small emission of paper money, and a transfer of taxes from productions of the farm to *lawsuits*; and promised relief measures at the next session of the assembly.<sup>2</sup> The abovenamed acts redeemed the governor's pledge. There had been presented to the general assembly "eight petitions of grievance, &c.," coming from different towns; and it will be seen that the act on the fulfillment of contracts, with several other propositions for relief, were referred to a vote of the people.

#### *Attempts to break up the Courts.*

Notwithstanding these relief acts, the people in some portions of the State were dissatisfied, and determined that the laws for

<sup>1</sup> *Slade's Vt. State Papers*, 504-509.

<sup>2</sup> *Vermont Gazette*, Aug. 28, 1786. The reply to the governor was published in a *Gazette Extraordinary*, Aug. 31. The *Gazette* of Oct. 16 announced that "His Excellency Thomas Chittenden Esqr. was by a respectable majority of the freemen re-elected."

collection of debts should not be enforced. The court of common pleas was to sit in Windsor on the 31st of October. On that day thirty armed men met at Windsor to break up the court, but were persuaded to desist. Nevertheless, November 14th, they were indicted and fined; the leader, Robert Morrison of Hartland, in the sum of £10 and costs of suit, and the others in less amounts. A mob was immediately raised to rescue Morrison, and on the 16th the court directed the sheriff to procure assistance and arrest the insurgents, and on the 17th the sheriff and Col. Benjamin Wait arrested twenty-seven of the offenders and committed them to jail. In anticipation of rebellion, a force of six hundred men was gathered at Windsor, commanded by brig. gen. Peter Olcott. The insurgents collected a hundred men at Hartland, but being satisfied that the government was too strong for them, they dispersed.<sup>1</sup> At Rutland, in November following, the same scenes were enacted. On the morning of the 21st, a committee, pretending to have an appointment from the people, waited on the court and requested it to adjourn without day, and the court replied that after a call of the docket the request would be considered. On the opening of the court in the afternoon, a mob of a hundred men, headed by col. Lee, entered the court room and threatened the court for not adjourning without day, according to the request made; on which the court adjourned to the next morning. The mob then refused to let the court depart, and called for arms, which were immediately furnished. After keeping the court imprisoned awhile, they released them, and in the evening a committee of the insurgents again insisted upon an adjournment without day, "but were informed that it could not be complied with—that not only their oath and duty, but the honor and dignity of the government obliged them to proceed in the necessary business of the court." The irritated mob then took possession of the court-house and sent for reinforcements; but in the mean time cols. Clark and Pearl, and lieut. col. Spafford called out the militia in sufficient force to protect the court.<sup>2</sup>

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<sup>1</sup>*Eastern Vermont*, 548-551.

<sup>2</sup>*Thompson's Vermont*, Part II, 80, 81; *Vermont Gazette*, Nov. 27 and Dec. 11, 1786.

1787. Wm. Sam'l Johnson again wrote to gov. Chittenden,  
Feb. 14. by Mr. Kelly, commending Mr. Kelly to him for a conference, specially in reference to lands reserved for the propagation of the gospel.

*February Session of the General Assembly, 1787.*

By adjournment, the General Assembly met at Bennington on the 15th of February, principally to act on bills reported by the committee to revise the laws.

Feb. 16, the governor laid before the House a letter from the Hon. Wm. Smith, Esq., dated Quebec, Dec. 9th, 1786; also a letter from John Kelly, Esq.; also a letter from Levi Allen, one of the commissioners for negotiating a free trade to and through the Province of Quebec, with his proceedings agreeable to his appointment; which were read and referred to committees.<sup>1</sup> It appears from the journal of the Council, Vol. II, 287, that Lord Dorchester<sup>2</sup> returned Allen's commission, "for regulating trade and commerce," and that judge Smith's letter was in reference to "his lands in this State, with a stating of the same by John Kelly, Esqr."

Feb. 17, Royal Tyler, commissioner from maj. gen. Lincoln, requested the assistance of Vermont in apprehending certain insurgents and rebels against the authority of Massachusetts (in the Shays rebellion), which was referred, and the prayer of the petition was subsequently granted. The committee on judge Smith's letter reported

That his Excellency, by advice of his Council, be requested to answer the several matters specially mentioned in Mr. Smith's letter, and in particular to assure him that this government have in all their official transactions inviolably adhered to the articles of treaty which he refers to.<sup>3</sup>

On the 20th, Isaac Tichenor and Joseph Fay were appointed to draft a letter in reply to Judge Smith.

*Friends of Vermont in the West Union rewarded.*

Feb. 21, the committee to whom had been referred a petition of Col. Benjamin Randall and fifty-five others, presented on the

<sup>1</sup>*Assembly Journal*, Vol. III, 81.

<sup>2</sup>Sir Guy Carleton had become Lord Dorchester.

<sup>3</sup>*Council Journal*, Vol. II, 292.

17th — “praying for compensation for the damages they sustained for their influence and zeal in adding the Western Union to this State,” &c.—reported that the prayer should be so far granted, if vacant land be found, as to give them a charter for a town six miles square, “under such restrictions, reservations, and for just fees, as shall be directed by the Governor and Council, at such time as they shall judge proper.”<sup>1</sup>

*Propositions submitted to the People.*

Feb. 23, the Clerk of the General Assembly reported the votes of the freemen on the following propositions which had been submitted to them, viz :

Paper Money — yeas, 456 ; nays, 2197.

General Tender Act — yeas, 128 ; nays, 781.

Extension of Tender Act of 1783 — yeas, 419 ; nays, 591.

Act of 1786 on fulfillment of contracts — yeas, 835 ; nays, 229.

Tender Act articles mentioned, [grain and other provisions,] — yeas, 129 ; nays, 44. [This act, so called, was proposed at the last session, and after this vote it became a law.]

Laws as they now stand — yeas, 195 ; nays, none.

Land to be a tender — yeas, 24 ; nays, none.<sup>2</sup>

*The Shays Rebellion.*

Feb. 24. The committee to whom was referred the communication of Maj. Royal Tyler, and several letters from Gen. Lincoln and Governor Bowdoin, on the Shays rebellion in Massachusetts, reported the form of a Proclamation to the people, which was adopted in joint assembly — yeas 36, nays 24 ; and the Governor was “requested to issue the same, and take effectual measures that the same be promulgated immediately in every part of this Commonwealth.”<sup>3</sup> It was issued accordingly :

*By his Excellency* THOMAS CHITTENDEN, *Esq; Captain-General, Governor, and Commander in Chief, in and over the STATE of VERMONT.*

A PROCLAMATION.

WHEREAS the General Court of the Commonwealth of Massachusetts, by their act of the fourth day of February instant, declared, that a horrid and wicked rebellion did exist in said Commonwealth, and that DANIEL SHAYS of Pelham, and LUKE DAY

<sup>1</sup>Assembly Journal, Vol. III, 85, 103. <sup>2</sup>Same, 110–112. <sup>3</sup>Same, 120–123.



of West Springfield, in the county of Hampshire, ADAM WHEELER of Hubbardston, in the county of Worcester, and ELI PARSONS, of Adams, in the county of Berkshire, were the principal aiders and abettors of said Rebellion, and there being great reason to fear that some of the citizens of this State who dwell near to and adjoining the said Commonwealth may incautiously and unadvisedly give aid to the promoters and abettors of the said rebellion, and thereby violate the duty they owe to law and good government :

I have therefore thought fit, by and with the advice of the Council, and at the request of the General Assembly, to issue this proclamation, strictly commanding and enjoining it upon all the citizens of this State, not to harbour, entertain, or conceal the said DANIEL SHAYS, LUKE DAY, ADAM WHEELER, and ELI PARSONS. And I do hereby require all and every the Justices of the Peace within this State, to issue their warrants when required, to apprehend and convey the aforesaid persons, or either of them, to the Commonwealth of Massachusetts, there to be delivered to some civil or military officer, authorised to receive them :

And all the citizens of this State are absolutely and most solemnly forbidden to take arms in support of, or to engage in the service, or contribute to the relief of the abettors and promoters of the said rebellion, by furnishing them with arms, ammunition, or otherwise, as they will answer it at their peril.

*Given under my Hand, in Council, Bennington, this 27th Day of February, A. D. 1787, and the eleventh Year of the Independence of the State.*

THOMAS CHITTENDEN.

By his Excellency's command,

JOSEPH FAY, *Secretary.*<sup>1</sup>

*A Member expelled from the House.*

Feb. 28. The House considered a complaint from Col. Brownson, charging that Jonathan Fassett, Esq., member of the House from Pittsford, encouraged the insurrection or mob in the county of Rutland in the preceding month of November, and the evidence being given, Mr. Fassett was expelled from the House by a unan-

<sup>1</sup>*Assembly Journal*, Vol. III, 121. This was nearer to "the golden rule" than the great nations have even yet reached. In May following, about one hundred of the Massachusetts rebels met at Shaftsbury, but were compelled by the firmness of Gideon Olin and Jonas Galusha to find refuge in New York ; and in July, two notorious Shays men were arrested at Onion River, (Colchester,) conducted by a guard of three men to Bennington, and delivered to the Massachusetts officers.—*Vermont Gazette*, May 7 and July 30, 1787.

ymous vote—yeas 64, nays none. A bill of costs was made against Passett, £9.10.7, which the State's Attorney for Rutland county was required to collect.<sup>1</sup>

*Acts establishing the Constitution of Vermont and the Common Law of England.*

March 2. A bill entitled "an act establishing the Constitution of Vermont," &c. [as revised July 4, 1786], was adopted, and sent to the Governor and Council for concurrence.

The bill entitled "an act adopting the common and statute laws of England" was read the second time, and on the question whether said bill should be sent up [to the Governor and Council] for revision, the yeas and nays being required on the question, they were as follows [names omitted]: yeas 40, nays 19.<sup>2</sup>

*Thanks to the Militia.*

*Resolved*, That this House entertain a high sense of the services done this State by the officers and soldiers whose spirited exertions crushed the late daring insurrection against Government in the counties of Rutland and Windsor, and do hereby return said officers and soldiers their hearty thanks.<sup>3</sup>

March 3. An act in addition to an act for establishing post offices within this State; and an act making provisions, grain, &c. a legal tender, on account of the scarcity of money, were passed.

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<sup>1</sup>*Assembly Journal*, Vol. III, 131-134.

<sup>2</sup>*Assembly Journal*, Vol. III, 140. Both bills became laws, and also another, which *changed the Constitution*, by giving the privileges of freemen to *frecholders* only. This went the whole length it was suggested in a note (*ante*, 277-279) that the General Assembly might possibly go. Daniel Chipman says that the people and legislature of Vermont then held, with Blackstone, that—"Sovereignty and Legislation are, indeed, convertible terms." "No idea was entertained," said Mr. Chipman, "that an act of the legislature, however repugnant to the Constitution, could be adjudged void and set aside by the judiciary." Even after the adoption of the Federal Constitution, it was deemed necessary, in 1797, to repeal all previous acts legalizing or altering the Constitution of Vermont, so strong was the conviction that an act of the General Assembly was superior to the Constitution.—*Chipman's Memoir of Chittenden*, 100-113. For act requiring voters to be *frecholders*, see pamphlet *Acts* Feb. and March 1787, 50.

<sup>3</sup>*Assembly Journal*, Vol. III, 141.

When taken on execution, the articles were to be appraised "at the sign-post" by commissioners.<sup>1</sup>

March 5. The committee on the memorial of John Kelly reported in favor of confirming certain grants to him, and other lands in lieu of lands formerly granted to Kelly but afterwards granted to others; "provided that nothing herein contained shall interfere with a grant made to Dr. Johnstone [Johnson] and his associates;" which was resolved accordingly.<sup>2</sup>

*Naturalization Act.*

IN COUNCIL: March 10. *Resolved*, That the Hon. General Allen be requested to write to the Hon. St. John, late Consul of France, in answer to his letters [in the *ms. Ethan Allen Papers*], inclosing a copy of the act naturalizing him and his three sons, and in reference to a map of the State, &c.<sup>3</sup>

*Action in the New York Assembly favorable to the Independence of Vermont.*

March 15, 1787. Alexander Hamilton, a member for the city of New York, introduced into the Assembly a bill entitled "An act to empower and direct the delegates of this state in Congress, to accede to, ratify and confirm the sovereignty and independence of the people of the territory commonly called and known by the name of the state of Vermont." This bill gave ample powers, but upon three conditions: limiting Vermont to the territory between Connecticut river and the line twenty miles east of the Hudson—requiring Vermont to accede to the Union—and preserving the New York titles to land in Vermont, to be prosecuted in the mode

<sup>1</sup>*Assembly Journal*, Vol. III, 156; pamphlet *Acts*, 153.

<sup>2</sup>*Assembly Journal*, Vol. III, 147-149. Although the General Assembly for Oct. 1786-March 1787 was a very important one, having revised all the statutes of the State, the editor of this volume mentions the fact that no list of the members is given in the *Journal of the House of Representatives*. Unless it can be supplied from files of the *Vermont Journal*, (Windsor,) there is probably no mode of making even an imperfect list, other than from the recorded lists of yeas and nays.

<sup>3</sup>*Council Journal*, Vol. II, 346. The names of the children were America Francis, William Alexander, and Philip Lewis. St. John suggested several names for towns, three of which were adopted, to wit, Vergennes, Danville, and St. Johnsbury—the latter for himself. St. John's signature is "St. John de Creveur" in the copy—possibly *Creveceur*.—*E. Allen Papers*, 395-402.

prescribed in the ninth of the Articles of Confederation. Doubtless the last proviso would have prevented the consent of Vermont, but it was at least an earnest attempt to secure its accession to the union as an independent state, and Hamilton's very able argument undoubtedly had great effect in securing the final and happy result.<sup>1</sup>

On presenting the bill, Mr. Hamilton made a few observations, of which only a brief sketch, from recollection, was published at the time, giving an interesting view of the urgent motives which prompted the measure. After much deliberation, the opponents of the bill resolved to apply to the assembly to be heard by counsel, and for that purpose employed *Richard Harrison*, "a lawyer and a scholar, distinguished for his ability, and learning, and probity."<sup>2</sup> The following is the record of the hearing and argument for the proprietors of land in Vermont under New York patents.

*Argument of RICHARD HARRISON against Vermont.*

NEW YORK ASSEMBLY, Wednesday, March 28, 1787.

Ten o'clock, a. m. The Order of the Day was then called for, when on motion of Col. Hamilton, Mr. Harrison, the counsel for the petitioners against the bill for declaring the Independence of Vermont, was admitted within the bar of the house, and addressed the chair as follows :

*Mr. Speaker, and Gentlemen of the House of Assembly:*—I have the honor to appear before you this day in my professional capacity, as Counsel for the petitioners against the bill now depending before this honorable house, authorizing the delegates of this state in Congress to accede and confirm the independence of that district of country commonly called Vermont.

Upon this occasion I am an advocate for a numerous and respectable body of citizens, who from *that character*, and the relation in which they stand to the community at large, have the fairest and most unquestionable right to the protection of the state. The social compact, to which all the members of society are parties, and by which all of them are bound, was first formed to preserve the rights and properties of each, by the united strength of the whole ; and this sacred compact must suffer the grossest violation, whenever the rights and properties even of the meanest individual are sacrificed without the most pressing and apparent necessity.

My clients, Sir, consider the present bill as fatally calculated to deprive them, without necessity, of all those advantages which they ought to derive from the character of citizens, with respect to their property in the

<sup>1</sup> *Works of Alex. Hamilton*, Vol. II, 374.

<sup>2</sup> *History of the Republic of the United States*, by John C. Hamilton, Vol. III, 231.

north eastern part of the state. . They trust therefore that the wisdom and justice of the legislature will be exerted in its rejection ; and though they have thought it necessary to bring their objections to the bill before this honorable house, in the manner that is now adopted, yet it must be apparent, that they have depended so much upon the discernment of their judges, and the goodness of their cause, as to be little anxious with regard to the abilities of their counsel.

I hope, Sir, however, you and this honorable house, will be convinced that diffident as I am of my abilities, I should not have presumed to come before you, if I was not fully in sentiment upon this occasion, that the interest of my clients and the public are the same. I flatter myself, Sir, that my sincerity will not be questioned, when I assure you that it is my most ardent wish (not to prevent, but) to promote every measure tending to the permanent happiness of a country in which I received my existence; to which I have been repeatedly indebted for great indulgencies, and in which all my future expectations are centred.

I proceed now to state those reasons which in the opinion of the petitioners ought to prevent the bill in question from being passed into a law. They consider it as *unconstitutional, impolitic* and destructive to the property of themselves and many of their citizens. With respect to the two first grounds of objection, in all probability they would have been left entirely to the consideration of the legislature, if the petitioners had not found that their private interests were materially affected; but they trust there can be no impropriety in endeavoring to shew that a measure so *injurious to them* is at the same time inconsistent with the constitution, and repugnant to the maxims of sound policy.

The constitution Sir, of this State, has expressly declared the counties of Cumberland, Gloucester, and Charlotte, compose the eastern district; and has directed that they shall be represented in our senate and assembly. As they are constituent and essential members of the body politic, particularly recognized by the terms of our constitution, it is surely a question of importance whether the powers delegated by the people to their representatives are such as will authorize them to mutilate the body by severing from it limbs that are of such fair proportion and undoubted strength. If the legislature can, without the consent of their constituents, separate for ever the bulk of the eastern district from the remainder of the state, by the same rule they may declare the southern district independent of the others or reduce the state into as many distinct governments as there are counties within it—and thus this commonwealth, the citizens of which are bound together in *political union*, would like the *hydra* spring up into many monsters, all of whom would cherish different interests, and perhaps be armed for mutual destruction.

It is a maxim, Sir, in our constitution, that no authority can be exercised over the people of this state, but such as shall be derived from and granted by them; and this maxim as it is the vital principle which pervades the whole frame, so it must ever be adhered to whilst any regard for our constitution shall subsist. The legislature, Sir, are authorized by the constitution to frame laws for the government of the people, but as to any power of dismembering the state there is a total silence; and therefore it must be concluded, that the people have reserved this power to themselves, or that if it is delegated at all, it must be delegated to the Congress of the United States, to be only made use of when the events of war, and the necessities of the union, shall render it absolutely necessary. It is an awful thing, Sir, to exclude a great number of citizens (many of whom may be anxious to live under the constitution) from the protection of the state; and *that too for ever*. When I said that many of

them might be anxious to live under our constitution I have said too little. It is a fact true beyond the possibility of contradiction, that a great proportion of the inhabitants in that district are sincerely attached to our government and wish ardently for its protection. Under these circumstances, Sir, if the legislature have even a doubt respecting the propriety of the measure, or its being constitutional, I am persuaded that they will avoid it.

Even in those cases, where full and absolute power is indisputably vested in the rulers, either by the terms of the Constitution, or by implication—yet I say, even in those cases, it has been the opinion of the best informed writers, that a nation cannot lawfully cut off any of its members from the body, unless in a case of extreme necessity, if the public service requires it. Such are the ideas of the great Vattel, in his first book, chap. 21st. The same masterly writer declares in the second chapter of the same book, that “if a nation is obliged to preserve itself, it is not less obliged carefully to preserve all its members. The nation (says he) owes this to itself, since the loss of even one of its members weakens it and is injurious to its own preservation. It owes this also to the members in particular in consequence of the very act of association.”

This honorable house, Sir, if they are satisfied with respect to their constitutional powers, will undoubtedly consider whether such a case of *extreme necessity* exists at the present moment. If it exists, the petitioners are totally ignorant of it, and they contemplate the measure as big with political consequences of the most dangerous and destructive nature.

It has been alledged indeed as an argument for the present bill, that the inhabitants of Vermont (having assumed actual independence) are forming improper connexions with the British in Canada, which at some future period may be destructive to America. But how, Sir, does this connexion appear? What evidence can be found of it? Where has it ever existed, except in the lively imaginations of persons out of doors, who for particular purposes have wished to avail themselves of popular prejudices and excite popular alarms? I am persuaded that the report must have originated in this manner, and after it was once raised, I presume that it will be no reflection even upon *discerning and distinguished patriots* to suppose that their zeal for the honor and interests of their country may have disposed them to treat it with too much attention.

Can it be supposed, Sir, that Great Britain at the eve of an expensive and unsuccessful war, after she has fully recognized the district of Vermont, as lying within the bounds of the United States, should now have an idea that any important purpose may be answered with respect to the confederacy by forming an indirect connexion with what is comparatively a small and insignificant corner of a single state?

Can it be supposed that the British Government is so weak, so irrational, as to endanger the tranquility and safety of their remaining colonies, for the sake of cultivating an acquaintance with people from whom they can derive no consequential advantages, and whom they could not possibly support against the power of the union, without renewing all the horrors of war and incurring the most enormous and destructive expence?

I cannot, therefore, but treat the supposed connexion between Vermont and the British Government as a phantom originally raised for the sake of political prejudices, but which when carefully examined will prove to be a mere phantom only.

If such a connexion, however, actually subsists, it is the duty of good citizens to produce the evidence. The proof of such a connexion would

probably unite the sentiments of the American states with respect to Vermont. It could no longer then be a doubt, but she must be reduced to a *sense of duty*; and on the other hand as the conduct of Great Britain would be highly reprehensible, it would become the business of our rulers to remonstrate and demand satisfaction upon it.

But, Sir, if such a connexion actually subsists between Canada and Vermont, can this honorable house be assured that the present bill will dissolve it? May we not rather suppose that their inland situation and proximity to the lakes may prompt them, for the sake of commerce, to form still closer connexions with a foreign power, and will they not possess opportunities of doing mischief much greater than they have at present, when in consequence of this bill they are admitted into the public councils, and become acquainted with all the secrets of the union?

It would be well for gentlemen to consider calmly and dispassionately what are the natural consequences of the measure now in agitation. If two or three counties of the state, upon an idea that they have separate interests from the rest of the community, may not only declare themselves independent, but by tampering with a foreign power may terrify the state into a recognition of their independence, who can pretend to ascertain the number of independent states that may start into existence in the remotest parts of our territory, or who can determine what they may be encouraged to attempt by so pernicious an example?

Already, Sir, has that example operated in more than one instance, and it will undoubtedly operate again in proportion to the success with which Vermont may be crowned. It appears to me therefore that the safest and wisest course is to destroy the evil in its bud, to resist the disease in its first attacks before it has made any considerable progress, or the contagion has extended itself to the nobler parts of the political body.

I believe, Sir, that experience will evince both in public and private life, that a firm, generous and manly plan of conduct is the result of sound policy and will eventually be most successful. It was this firmness, this manly spirit, that raised the Roman Empire to the highest glory, and if we wish our country to be proportionably great and flourishing, we should ask ourselves what would have been the conduct of that people upon similar occasions? Let their conduct during that dangerous war which they sustained with their Italian Allies whom they refused to admit as citizens of Rome till they submitted at discretion, let their conduct with regard to Pyrrhus whom they refused to treat with as a friend till he had drawn his forces out of Italy, let their magnanimity upon a thousand other occasions speak what they would have done, if an inconsiderable part of their citizens had presumed to declare themselves a separate and independent state.

But it has been said that Vermont in its present situation contributes nothing to the expences of the Union, at the same time that the inhabitants of that country are continually increasing; as the lowness of taxes induces the people of the neighbouring states to emigrate thither.

The former part of this assertion we *know* to be true, and the latter we have every reason to consider as a fact.

Mankind in general are disposed to place themselves in situations where subsistence is most easily attained, and the demands of government are comparatively lightest.

The emigration to Vermont is a consequence also of the abundant population in the eastern states, and it must continue as long as the balance of population is against Vermont, and land is to be procured there upon moderate terms.

But, Sir, altho' it must be admitted that the inhabitants of Vermont

ought to pay their proportion of the public burdens, yet such is their remote and inland situation, and such the dearth of money amongst them, arising from that circumstance, and the want of external commerce, that this consideration alone is not of sufficient importance to make their admission into the union be considered as an object.

Besides, Sir, is it probable that the inhabitants of that district would render less advantage to the union if they were rated as a part of this state, than they would if they were considered as a separate and independent government? Would they not on the contrary, be in a condition to defray a greater proportion of the public burthens, if they were eased of those particular expences which must attend their internal government?

But even if the case was otherwise, it would undoubtedly be improper to sacrifice the honor and dignity of the state to such small and uncertain advantages.

Indeed, Sir, that sacrifice may be made on the part of this state, but what security have we, after all, that it will be accepted.

Already has this state made advances to those people, founded upon a spirit of equity and calculated to remove every real grievance of which they could complain. Let gentlemen turn to the act of 1782, and enquire if any notice has ever been taken of it in Vermont? Have those people ever manifested the smallest desire for a reconciliation? Have they even condescended to state their objections to that act, or made any propositions upon the subject of it?

It is true that the present bill is more extensive than the former. It will sanction and ratify the independence of Vermont. But who can say that *they* will be content with the limits we have prescribed, or that they will be disposed to become members of the confederation?

The same reasons which might induce some persons to wish that Vermont was seated in Congress, as a part of the union, will in all probability impel them to reject the offer: and after sacrificing the honor and dignity of the state, we may have the mortification to see this bill, if it is adopted by the legislature, treated with the same silent contempt that was bestowed upon the last.

I have hitherto, Sir, been arguing against this bill, upon general principles, as if it affected the petitioners in common with their fellow citizens. I come now briefly to consider the peculiar objections which they as individuals have to offer against it.

And here, Sir, give me leave to mention the instructions I have received from the petitioners, to declare, that if this honorable house should be of opinion that the constitution of the state will permit, and the interests of it *require* Vermont to be acknowledged a separate and independent state, they should cheerfully acquiesce, provided the bill afforded any security for their property, or that they should receive a compensation for it.

In both these respects the bill now before the house is totally deficient. Not a syllable is mentioned of the property of the petitioners; not the least intimation is given that they will be paid for it, in case it should finally be lost.

I conceive, Sir, that I need not enter into a long and laboured discussion, to demonstrate that the state is bound by the strictest obligations to protect the property of its citizens. In fact this (as I have already intimated) is a fundamental article of the social compact. "The great and chief end (says Mr. Locke) of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property." And after pointing out what was wanting for that purpose in a



state of nature, he adds "That the power of the society or legislative, constituted by them, can never extend farther than the common good, but is obliged to *secure every one's property*," by providing against the defects of a state of nature.

I will admit, Sir, however, that the public have a right to dispose of private property, when it becomes necessary for the common safety or advantage. But then, whenever this is the case, individuals have a fair and complete title to a compensation from the society, in lieu of *that property* which they part with for the public benefit. In such instances the public should be considered as an individual treating with an individual; and if the legislature obliges the owners to alienate or resign their property, it is bound on the other hand to give them a reasonable price.

Such, Sir, are the dictates of reason upon this subject; such are the principles which Judge Blackstone informs us govern the British legislature in cases of this nature.

But, Sir, it may be said that in consequence of the present bill the petitioners would be in a better state than they were previously to it—and it may be insisted that under an article of the confederation they would be entitled to a fair trial for their property, by a court constituted in the manner which that treaty has designated.

The petitioners, Sir, are far from being convinced that they would be entitled to such a trial.

And at any rate it would be attended with such an enormous expence as the petitioners could by no means sustain, and to which sovereign states alone would be found equal.

To hold out therefore a federal Court as a relief to the petitioners, is in fact leaving them destitute of any, for it only offers such a remedy as it would be impossible for them to pursue.

Besides, Sir, in the present situation of things whilst the independence of Vermont is not acknowledged by this state, whilst some of the inhabitants of that district had their hopes and others their apprehensions that they may again be reduced to the obedience which they owe this government; many, if not all of them are solicitous to secure a good and permanent title for their possessions, by purchasing from the petitioners their rights under the state of New York.

But let this bill pass into a law, and the apprehensions of the people will be at an end. They will consider their independence as fully recognized whether they join the confederation or not, and they will from that time be indifferent as to any grants under a government from which they may consider themselves as irrevocably separated and forever estranged.

In this view, Sir, the very silence of this bill, with respect to the rights of the petitioners, will be the most fatal blow that they have ever received; and as it will come from hands to which they looked for protection, it must (like the dagger of Brutus) pierce more deeply and be more severely felt.

The petitioners therefore flatter themselves that this honorable house will either reject the bill, or add to it such clauses as may secure their property, or a compensation for it. They have every dependence upon the wisdom and integrity of the legislature—they claim that protection for which society was instituted; and whilst they are conscious of no fault, they trust that they shall receive it.

If the independence of Vermont should upon investigation be found essential to the interest and happiness of America, it will be the duty of the petitioners to acquiesce to it; but even then their private property ought not to be sacrificed to the public good without a public recompense.

It would without doubt argue a want of delicacy as well as judgment in the petitioners to dictate measures to the wisdom of the legislature — but deeply interested as they are in the decision of the present question, they flatter themselves that they shall be excused for suggesting that instead of the present bill, which will be construed into an acknowledgment of independence in Vermont, even if the conditions of it are rejected, it would be more consistent with the honor and dignity of the state, if Commissioners should be appointed to treat with such as may be nominated by the inhabitants of that district, as well concerning the property of individuals as the independence of the country.

In this mode, the petitioners might probably obtain security for their property or a great part of it, and unless that people are determined to treat all advances upon the part of the government with indifference and contempt, every subject of controversy might be adjusted upon principles of mutual and permanent advantage.

Mr. Harrison then withdrew, and the house resolved itself into a committee of the whole house on the bill for declaring the independence of Vermont, Mr. Clark in the chair.<sup>1</sup>

Col. Hamilton addressed the committee subsequently as follows:

*Speech of ALEXANDER HAMILTON in reply to Mr. Harrison, on the bill for acceding to the Independence of Vermont.*

The counsel for the petitioners has entered into a large field of argument against the present bill. He has endeavored to show that it is contrary to the Constitution, to the maxims of sound policy, and to the rights of property.

His observations have not been destitute of weight. They appear to have the more force, as they are to a certain degree founded in truth. But it is the province of the committee to distinguish the just limits of the principles he has advanced, how far they extend, and where they terminate. To aid the committee in this inquiry shall be my endeavor, and following the counsel for the petitioners through the different heads of his argument, I hope to be able to show that neither of the objections he has urged stands in the way of the measure proposed, and that the Constitution permits, policy demands it, and justice acquiesces in its adoption. The first objection is drawn from that great principle of the social compact,—that the chief object of government is to protect the rights of individuals by the united strength of the community. The justness of this principle is not to be disputed, but its extent remains to be ascertained. It must be taken with this limitation:—The united strength of the community ought to be exerted for the protection of individuals so far as there is a rational prospect of success; so far as is consistent with the safety and well-being of the whole. The duty of a nation is always limited by these considerations:—It is bound to make efforts and encounter hazards for the protection of its members, proportioned to its abilities, warranted by a reasonable expectation of a favorable issue, and compatible with its eventual security. But it is not bound to enter in or prosecute enterprises of a manifest rashness and folly; or which, in the event of success, would be productive of more mischief than good. This qualification of the principle can no more be denied

<sup>1</sup> From the *Daily Advertiser*, Vol. III, No. 657, New York, Tuesday, April 3, 1787.

than the principle itself. The counsel for the petitioners indeed admits it in substance, when he admits that a case of extreme necessity is an exception to the rule: but he adds that this necessity should be apparent and unequivocal. What constitutes a case of extreme necessity, admits of no precise definition. It is always a question of fact, to be determined by a consideration of the condition of the parties and the particular circumstances of the case itself. A case of necessity then exists, when every discerning, unprejudiced man, well acquainted with facts, must be convinced that a measure cannot be *undertaken* or *pursued* with a probability of success. To determine this an experiment is not always necessary: circumstances may exist so decisive and palpable in their nature as to render it the extreme of temerity *to begin*, as well as to *continue* an experiment. The propriety of doing either the one or the other, must equally be decided by a judicious estimate of the national situation.

The tendency of the principle contended for, on the application of it in argument, has been to prove that the state ought to employ the common strength of the society to protect the rights of its citizens, interested in the district or territory in question, by reducing the revolted inhabitants of that district to an obedience to its laws. The inquiry therefore is,—Can this be done? Is the State in a situation to undertake it? Is there a probability that the object will be more attainable at a future day? Is there not rather a probability that it will be every day more out of our reach, and that leaving things in their present state will be attended with serious dangers and inconveniences? Is it even desirable, if practicable, to reduce the people in question under subjection to this State? In pursuing this inquiry we ought to bear in mind that a nation is never to regulate its conduct by remote possibilities or mere contingencies, but by such probability as may reasonably be inferred from the existing state of things, and the usual course of human affairs. With this caution, no well-informed mind can be at a loss in what manner to answer the questions I have proposed. A concise review of the past, and a dispassionate consideration of the present, will enable us to judge with accuracy of the obligations and interests of the State.

The pretensions to independence of the district of territory in question began shortly after the commencement of the late revolution. We were then engaged in a war for our existence as a people, which required the utmost exertion of our resources to give us a chance of success. To have diverted any part of them from this object to that of subduing the inhabitants of Vermont, to have involved a domestic quarrel which would have compelled that hardy and numerous body of men to throw themselves into the arms of the power with which we were then contending, instead of joining their efforts to ours in the common cause of American liberty, as they for a long time did, with great advantage to it, would have been a species of frenzy for which there could have been no apology, and would have endangered the fate of the revolution more than any one step we could have taken. This idea is too obvious to need being enlarged upon. The most prejudiced will acquit the State from blame for not trying the effect of force against that people during the continuance of the war. Every moderate measure, everything short of hostility or a total sacrifice of those rights, which were the original cause of the revolt, and which are the occasion of the opposition to the present bill, were tried. Conciliating laws were passed, overtures made, negotiations carried on in Congress, but all to no purpose. The peace found the Vermonters in a state of actual independence, which they had enjoyed for several years,—organized under a regular form of government, and increased in strength by a considerable accession of numbers. It found

this State the principal seat of the war, exhausted by peculiar exertions and overwhelmed in debt. The embarrassments arising from this situation press us daily. The utmost exertion of wisdom in our public councils would not be more than equal to extricating us from them. As matters stand, the public debts are unprovided for, and the public credit prostrate. Are we now in a situation to undertake the reduction of Vermont, or are we likely speedily to be in such a situation? Where are our resources, where our public credit, to enable us to carry on an offensive war? We ought to recollect that in war, to defend or attack, are two different things; to the first, the mountains, the wilderness, the militia, sometimes even the poverty of a country will suffice. The latter requires an *army* and a *treasury*.

The population of Vermont will not be rated too high if stated at nearly one half of that of New York. Can any reasonable man suppose that New York, with the load of debt the revolution has left upon it, and under a popular government, would be able to carry on with advantage an offensive war against a people half as numerous as itself, in their own territory; a territory defended as much by its natural situation as by the numbers and hardihood of its inhabitants? Can it be imagined that it would be able, finally, to reduce such a people to its obedience? The supposition would be chimerical, and the attempt madness. Can we hope a more favorable posture of affairs hereafter? Will not the population and strength of Vermont increase in ratio to our own? There is, perhaps, no essential difference between their government and ours. The necessity of making provision, in one way or another, for the exigencies of the Union, and for the discharge of the debts of the State, must continue to subject our citizens to heavier burthens than are borne by the inhabitants of that country, who have no call for revenue beyond the support of their domestic administration. A country possessing a fertile soil, exempt from taxes, cannot fail of having a rapid growth.

The enterprise will of course become more difficult by delay, and procrastination can only serve to render the claims of the State and its citizens, in the opinion of mankind, obsolete, and to give the consent of time to the connection which the people of Vermont have, in all appearance, already formed with the British Government. This last point I shall discuss more fully in another place.

I have confined myself in my reasoning to an examination of what is practicable on the part of this State alone. No assistance is to be expected from our neighbors. Their opinion of the origin of the controversy between this State and the people of Vermont, whether well or ill founded, is not generally in our favor; and it is notorious that the Eastern States have uniformly countenanced the independence of that country. This might suggest to us reflections that would confirm the belief of the impracticability of destroying, and the danger of attempting to destroy that independence.

The scheme of coercion would ill suit even the disposition of our own citizens. The habits of thinking to which the Revolution has given birth, are not adapted to the idea of a contest for dominion over a people disinclined to live under our government. And, in reality, it is not the interest of the State ever to regain dominion over them by force. We shall do well to advert to the nature of our government, and to the extent of this State according to its acknowledged limits. Are we sure we shall be able to govern what we already possess? Or would it be wise to wish to try the strength of our government over a numerous body of people disaffected to it, and compelled to submit to its authority by force? For my part, I should regard the re-union of Vermont to this State as

one of the greatest evils that could befall it; as a source of continual embarrassment and disquietude.

It is hinted by the counsel for the petitioners that many of the inhabitants of Vermont are desirous of living under our government, and sanguine tempers have long ago predicted that they would shortly grow weary of their independence, throw it off, and become re-united with us and New Hampshire of their own accord. There are clear principles of human nature to which we may resort to falsify this prediction.

In popular governments, the sentiments of the people generally take their tone from their leaders. The leaders of Vermont cannot desire a re-union with New York, because this would amount to an abdication of their own power and consequence. The people of Vermont will not desire it, because no people ever desired to pass from a situation in which they were exempted from taxes, and in which they suffered no particular oppression, to one in which they would be subject to burthens comparatively heavy.

I now pass to an examination of the constitutionality of the measure proposed by the bill. It is observed, that by the constitution the counties of Charlotté, Cumberland and Gloucester are constituent parts of the State; that one article of it declares that no power shall be exercised over the people, but such as is derived from and granted by them; that no express power is given to the Legislature to dismember any part of the State; and that this silence of the Constitution is a tacit reservation of that power to the people. To all this I answer, that the sovereignty of the people, by our Constitution, is vested in their representatives in Senate and Assembly, with the intervention of the Council of Revision, and that the power of dismembering the State, under certain circumstances, is a necessary appendage of the sovereignty. The practice of nations, and the authority of writers, conspire to establish this principle; and the safety of society requires it. There are certain situations of kingdoms and states, in which the sacrifice of a part is essential to the preservation and welfare of the rest.

History furnishes abundant examples of such sacrifices. Nations, in making peace, frequently cede parts of their territories to each other. Civil commotions have many times produced similar dismemberments. The monarchy of Spain, after a destructive and fruitless contest to preserve it, was obliged, at last, to surrender its dominion over the Netherlands. The crown of Austria was, in like manner, compelled to abandon its jurisdiction over the Swiss Cantons. And the United States are a recent and still more signal instance of the exercise of the same right. Neither of these instances has been censured or condemned, nor the power of the sovereign to accede to the separation called in question.

The celebrated author quoted by the counsel for the petitioners is explicit on this article, and decides with clearness that the prince or body intrusted with the sovereign authority may, in certain emergencies, dismember the empire, and lop off a limb for the good of the body. This inference from the silence of a Constitution, is the reverse of that drawn by the counsel of the petitioners. Doubts have been raised by particular theorists upon the subject, but their theories were too abstract for practice, and are now exploded by the ablest writers on the laws of nations. Indeed, those doubts were chiefly applied to the case of a cession or relinquishment of a part of the empire still in possession of the sovereign. It has long been considered as a clear point, that where a part of an empire is actually severed by conquest, or a revolution, the prince, or body vested with the administration of the government, has a right to assent to, and to ratify that separation. This is an obvious and

important distinction, from which other inferences of moment will be drawn in another place. It will be found in Vattel, book four, chapter second.

Vermont is, in fact, severed from New York, and has been so for years. There is no reasonable prospect of recovering it, and the attempt would be attended with certain and serious calamities. The Legislature have, therefore, an undoubted right to relinquish it, and policy dictates that it should be done. It is of no force to say that this principle would authorize the dismemberment of Long Island, or of any other part of the State. There is no doubt, the same circumstances concurring, the same consequences would result, but not sooner; and it will be the duty of the State to endeavor to prevent a similar extremity.

The next thing in the order observed by the counsel for the petitioners that presents itself to our discussion is the policy of the measure. Against this it is objected that the precedent would be dangerous; that the facility with which Vermonters will have accomplished their object, might invite other parts of this State and the United States to follow their example. To this I answer, that examples have little to do with the revolutions of empire. Wherever such state of things exists as to make it the interest or the inclination of a large body of people to separate from the society with which they have been connected, and at the same time to afford a prospect of success, they will generally yield to the impulse, without much inquiry or solicitude about what has been done by others, or upon other occasions; and when this is not the case, precedents will never create the disposition. Events of this kind are not produced or controlled by the ordinary operations of human policy, care or contrivance. But, whatever may be the effect of the example, it is too late to prevent or redress the evil. It sprang up under circumstances which forbade the application of an effectual remedy, and it has now acquired a maturity which would mock all our efforts to counteract it. Vermont is lost to New York, beyond the possibility of a recovery; and a passive acquiescence in its independence cannot make it more formidable, as an example, than a direct recognition of it. Success and impunity are the ingredients that are to constitute the force of the example, and these will exist in either case.

On the other hand, the policy of the measure results from two important considerations. The one, that by the union of Vermont to the Confederacy, it must of course bear a proportion of the public burdens; the other, that it would be detached from the completion of a connection already in all appearance begun with a foreign power. The incorporation of Vermont into the Confederacy is by the bill made an express condition of the acknowledgment of their independence. The first advantage was too obvious to be denied, though observations have been made to diminish its importance. Its inland situation has been noted as a circumstance that precluded the expectation of any considerable revenue from it. But the same thing might be said of the interior parts of this and of the other States; and yet we should make a much worse figure than we do, if our resources were to be drawn wholly from our Atlantic settlements. The country of Vermont is fertile and will soon be populous, and the resources which it may be capable of affording at a day not far remote, though not of great magnitude, will by no means be contemptible.

But the principal advantage to be expected from the measure is the one mentioned last. Here it is asked, Where is the evidence of the fact, where the proof of the connection? Would Great Britain, which has so recently, in a solemn treaty, acknowledged the territory in question to be comprehended within the limits of the United States, derogate from

that treaty, and for so insignificant an object, as a connection with a small corner of one of the States, hazard a rupture with the whole Confederacy?

Not expecting a formal call for the evidence of the fact, my memory is not prepared to enter into all the details requisite to its full elucidation. I well remember that during the latter periods of the war, a variety of circumstances produced a conviction of its existence everywhere; in the army, in the Legislature, and in Congress. Among other transactions that came to my knowledge, I shall mention one as nearly as my recollection will serve me. Some time in the year 1781, Fay and Ira Allen, two of the most influential individuals in that country, went into Canada, and, we were well informed, had repeated interviews with Gen. Haldimand. Not long after, a party of British, under St. Leger, penetrated as far as Ticonderoga. A detachment from that body fell in by accident with a small party of Vermonters, fired upon them, killed one of their number, and took the rest prisoners. Discovering their mistake, they interred the dead body with the honors of war, and sent the prisoners home, loaded with kindnesses and caresses. From that period a free intercourse subsisted between Canada and Vermont. This is one proof, and a pretty decisive one, to show that a connection was formed during the war. I doubt not there are others equally strong, within the recollection of other members of the committee. Since the peace, this intercourse has been cultivated with reciprocal zeal, and there are circumstances related [which I shall not repeat, as they do not come to me with sufficient authenticity] that look strongly to a continuance of the connection. If this connection ever existed, what reason have we to believe that it has been since dissolved? To me, I confess, there appears none. On the contrary, the situation of the parties in my opinion forbids the supposition of its dissolution.

I flatter myself, those who know my manner of thinking will acquit me of a disposition to sow groundless jealousies of any nation. I consider a conduct of this kind as undignified and indelicate in a public character; and if I were not persuaded the suspicions I entertain are well founded, no motive would have induced me to bring them forward.

It is asked, in substance, what object Great Britain can have in cultivating such connections. This admits of several answers.

Great Britain cannot but see our governments are feeble and distracted; that the Union wants energy; the nation concert. That our public debts are unprovided for; our federal treasuries empty; our trade languishing. She may flatter herself that this state of things will be productive of discontents among the people, and that these discontents may lead to a voluntary return to her dominion. She may hope to see in this country a counterpart of the restoration of Charles the Second. However mistaken they may be, it is not impossible that speculations of this kind may enter into the head of a British minister. The government lately established in Canada—the splendid title of Viceroy—seem to look beyond the dreary regions of Canada and Nova Scotia. In this view, she would naturally lay hold of Vermont as a link in the chain of events. It would be a positive acquisition of so much, and nothing could better answer the purpose of accelerating the progress of discontent than the example of a country, part of ourselves, comparatively speaking, free from taxes. Nothing could have a more powerful influence than such an example upon the inhabitants of the settlements bordering upon that country. How far and how rapidly it might extend itself is a matter not easy to be calculated.

But laying aside every supposition of this nature, there are motives of

interest which would dispose the British government to cultivate Vermont. A connection with Vermont will hereafter conduce to the security of Canada, and to the preservation of the Western posts. That Great Britain means to retain these posts may be inferred from the interest she has in doing it. The ostensible reason for not having delivered them up heretofore is the infractions of the treaty on our part; but though these infractions in some instances cannot be denied, it may fairly be presumed that they are nothing more than the pretext for withholding the posts, while the true motive is the prodigious advantage which the monopoly of the fur trade affords to the commerce of the English nation. If Great Britain has formed the design of finally retaining these posts, she must look forward sooner or later to a rupture with this country; for, degraded as we are by our mismanagement, she can hardly entertain so mean an opinion of us as to expect we shall eventually submit to such violation of our rights and interests without a struggle. And, in such a case, Vermont would be no despicable auxiliary.

But would Great Britain hazard a war with the United States for so inconsiderable an object? In the first place, the object is not inconsiderable. In the next, our situation is not such as to render our resentment formidable. This situation is perhaps better understood by everybody else than ourselves; and no nation would forego a present advantage to our detriment, while it knew that a change of government must precede any inconveniences from our displeasure. I do not suppose that the British government would, in the present state of things, commit itself to any avowed engagements with the people of Vermont. It will, no doubt, take care to be in such a situation as to leave itself at liberty to act according to circumstances; but it will, and I have no doubt does, by the intermediation of its officers, keep up a secret intercourse with the leaders of that people, to endeavor gradually to mould them to its interests, to be ready to convert them to its own purposes upon any favorable conjuncture or future emergency. This policy is so obvious and safe, that it would be presumable without any evidence of its existence.

On the part of Vermont, while their fate in the American scale remains suspended, considerations of safety would direct them to such a connection with the British government. They would not choose to lie at our mercy, or to depend on their strength, if they could find refuge or support elsewhere. There is a circumstance, too, mentioned with a different view by the counsel for the petitioners, which would contribute to this connection. I mean the relative situation of Canada and Vermont. It is asked, "May not this situation induce Vermont to reject the offer of independence, and prompt the people of that country, for the sake of commerce, to form still closer connections with a foreign power?" I ask, does not this situation, which it is supposed might have so powerful an influence, afford a strong presumption of the existence of such a connection? And is it not our true policy to take away every additional temptation?

I shall readily admit that it is very doubtful whether Vermont will accept the proffered acknowledgment of its independence, upon the conditions annexed. I firmly believe that she does not desire it, and that she would be perplexed by the dilemma to which she would be reduced. But whether she accepts it or not, the offer may be expected to have a good effect. It would at least serve to ascertain facts. Her refusal would be a conclusive evidence of a determined predilection to a foreign connection; and it would show the United States the absolute necessity of combining their efforts to subvert an independence so hostile to their safety. If they should find themselves unequal to the undertaking, it



must operate as a new inducement to the several States to strengthen the Union.

In every light, therefore, the measure on national ground appears advisable; but it still remains to inquire what will be our duty in respect to the citizens of this State who are owners of land in Vermont. How far shall we violate their rights, and how far are we bound to make them recompense? The claim to a compensation is the thing which has been with most propriety urged by the counsel for the petitioners. Let us, however, examine its nature and foundation. But before I enter into this examination, I shall repeat an observation which I made on a former occasion. Whatever obligations there may be on the part of the State cannot be increased by acceding to the measure proposed. If Vermont is not irretrievably lost to this State, the duty of protection which it owes to individuals obliges it to employ the common strength to reinstate them in their rights. If it is irretrievably lost, no rights capable of being rendered effective will be sacrificed; of course, no obligation to make a recompense will exist. But the truth is, the present bill, so far from surrendering the rights of individuals, puts things in the only train in which they will ever have an opportunity of giving them validity. The third clause of the ninth Article of the Confederation expressly declares that all controversies about the right of soil between the citizens of different States shall be decided by a federal court. The counsel for the petitioners tells us that *his clients* doubt the operation of this clause, but as he gives us no reason for the doubt, I shall only say that the terms of it appear to me clear and explicit. I have no doubt that the petitioners would be entitled to a federal court; and though that court would not decide in such a question like the tribunals of New York, but upon general principles of natural and political right, I should confidently expect that all equitable claims of our citizens would have their full effect. It is, however, further observed on this head, that the expense of such court would exceed the abilities of individuals, and could only be compassed by the resources of sovereign States. If this suggestion should be admitted to be true, [though I think the expense is greatly overrated,] yet surely it would be more reasonable to ask the State for its assistance in procuring a federal court to obtain justice to the petitioners, than to ask it to undertake a ruinous war for that purpose. The difference in expense would not bear a comparison. Indeed, the first would be a trifling object to the State, while the last would exceed its abilities, and perhaps end in its disgrace. But if the bill even contained no provision for obtaining justice to the petitioners, I should hold that the State would not be under a strict obligation to recompense them for their losses. The distinction I would lay down upon the subject is this: If a government voluntarily bargains away the rights, or disposes of the property of its citizens, in their enjoyment, possession or power, it is bound to make compensation for the thing of which it has deprived them; but if they are actually dispossessed of those rights, or that property, by the casualties of war, or a revolution, the State, if the public good requires it, may abandon them to the loss without being obliged to make reparation. The author quoted by the counsel for the petitioners has in view the case of a voluntary disposition of the property of citizens in the power of the State; and his doctrine is unquestionably just, but it does not apply to the case of an actual dispossession by any of those events in which nations have no choice. In wars between States, the sovereign is never supposed to be bound to make good the losses which the subject sustains by the captures or ravages of the enemy, though they should amount to the destruction of his whole property; and yet nothing can be more agreea-

ble to natural equity than that those who happen to be the unlucky victims of the war should be indemnified by the community. But, in practice, such a principle would be found attended with endless difficulties and inconveniences, and therefore the reverse of it has been adopted as a general rule. The individual sufferer, however, might with great color of justice say to the government, Why did you make peace without stipulating a reparation for the damage done to your citizens? If it was necessary for the public good to sacrifice my interests, I have a right to a public compensation for my losses. Though this case may, upon a superficial view, appear dissimilar to the one under consideration, yet the principle, upon examination, will be found as applicable to the one as to the other. The true reason is, that the resources of nations are not adequate to the reparation of such extensive losses as those which are commonly occasioned by wars and revolutions; and it would therefore be contrary to the general good of society to establish a rule that there is a strict obligation to repay such losses. It is better that there should be individual sufferers than to admit a rule which would fetter the operations of government and distress the affairs of the community. Generosity and policy may, in particular instances, dictate such compensations. Sometimes they have been made by nations, but much oftener omitted. The propriety of doing the one or the other must depend on circumstances in which the ability of the public will always be a primary consideration.<sup>1</sup>

I think, sir, I have by this time gone through all the arguments that have been brought against the bill, and I hope satisfactorily refuted them. I shall say a little in answer to the observations drawn from the examples of Roman magnanimity. Neither the manners nor the genius of Rome are suited to the republic or to the age we live in. All her maxims and habits were military; her government was constituted for war. Ours is unfit for it; and our situation still less than our constitution, invites us to emulate the conduct of Rome, or to attempt a display of unprofitable heroism.

One more observation will conclude what I have to say. The present situation of our national affairs appears to me peculiarly critical. I know not what may be the result of the disordered state of our government. I am, therefore, the more solicitous to guard against danger from abroad. Gentlemen who view our public affairs in the same light in which they present themselves to my mind, will, I trust, vote with me upon the present occasion. Those, on the contrary, who think all is well—who suppose our Government is full of energy, our credit high, and trade and finances flourishing—will probably see no room for any anxiety about the matter, and may be disposed to leave Vermont in its present state. If the bill should fail, I hope they will never have occasion to regret the opportunity they have lost.

As to the petitioners, I shall only say, that I have no reason to doubt the purity of the motives with which they are actuated. With many of them I am too well acquainted to permit me to entertain any unfavorable impression of their conduct; but however their opinion of their own rights or interests may have misled them in estimating the merits of the question before the committee, I trust we shall be cautious how we suffer our judgment of a national question to be biassed or misguided by the speciousness of the arguments, or appearances on which their opposition is supported.<sup>2</sup>

<sup>1</sup> Mr. Hamilton, when Secretary of the Treasury, applied these principles to claims of the character indicated, of course disallowing them.

<sup>2</sup> *Hamilton's Works*, Vol. II, 375-390.

Feb. 23, the bill passed in committee by a majority of ten;<sup>1</sup> and on the 11th of April it finally passed the assembly, twenty-seven to nineteen.<sup>2</sup> "The question was taken at the end of the [foregoing] speech, and the bill passed"<sup>3</sup>—a statement which probably referred to the passage in committee. The bill failed in the senate.

*Free trade with the Province of Quebec granted.*

April 18 Lord Dorchester issued a proclamation conceding free trade between the Province of Quebec and the neighboring states, except in spirits, manufactures, furs and peltry; and on the 30th, the governor and legislative council of that province passed "an act or ordinance for the importation of tobacco, pot and pearl ashes, into this province, by the inland communication by lake Champlain and Sorel." Lord Dorchester prefaced the proclamation with a statement that the advantages of such a trade had been represented to him, thus indicating that these were the fruits of Ira Allen's negotiation in the preceding year.<sup>4</sup>

*October Session of the General Assembly, 1787.* \*

Oct. 11. The General Assembly met at Newbury, and on the 15th the record shows that *the Governor* in person asked and obtained the leave of the House of Representatives to introduce a bill:

*Bill introduced by the Governor.\**

IN ASSEMBLY: Oct. 15. His Excellency the Governor, in behalf of the members of Addison County, requested leave to bring in a bill for dividing the county of Addison into two distinct counties. The yeas and nays being required on the question, they are as follows, viz: [names omitted; yeas 43, nays 32.] So it passed in the affirmative; and agreeable to leave, his Excellency brought in a bill entitled "an act for dividing the county of Addison, forming a new county and ascertaining the times and places of holding courts in Addison and CHITTENDEN counties."

This unusual course was perhaps taken to intimate the gover-

<sup>1</sup> *Vermont Gazette*, April 16, 1787. <sup>2</sup> *Early History*, 442, 443.

<sup>3</sup> *History of the Republic, &c.*, 230-235, where Hamilton's age is stated to have been thirty, and this argument as "among the most able fragments of his eloquence which have been preserved."

<sup>4</sup> *Vermont Gazette*, June 18 and 25, 1787.

nor's wish in a matter which was eminently *personal*. The proposed new county embraced his home and was to bear his name.<sup>1</sup>

*Proclamation for obedience to the Laws.*

Oct. 20. *Resolved*, That this House request his Excellency the Governor to issue his Proclamation, calling upon all the Good People of this State to render their Strict Obedience to the Laws thereof, and that all executive and informing officers be vigilant in executing the said Laws; and that the same be Transmitted to the Clerks of the Churches, to be read after Divine Service on the next thanksgiving Day; and where there is no Ministers, to the Town Clerks.<sup>2</sup>

*Widow and Heirs of Seth Warner.*

Oct. 20. The committee to whom was referred the petition of Hester Warner reported: "That the stating of the petition is true, and that there be granted to the petitioner and the legal heirs of Col<sup>o</sup>. Seth Warner, 2000 acres of land without fee for granting the same;" which was read and accepted, and thereupon

*Resolved*, That there be and hereby is granted unto Hester Warner, widow of Col<sup>o</sup>. Seth Warner, deceased, two thousand acres of land in the northerly part of this State, at the expense of the State; that the Governor and Council be requested, on receiving a return of such survey, to grant a charter of such land to the said Hester and heirs of the deceased without fee or reward.<sup>2</sup>

*State Finances.—Accounts of Ira Allen as State Treasurer.*

Oct. 20. The Auditors of Public Accounts reported the following "Stating of the late Treasurer's accounts so far as they have been able to compleat a settlement." The report embraced Ira Allen's accounts—it is supposed for the entire term of his office, 1778 to 1786, though no dates are stated in the report; but the account of Treasurer Mattocks [recorded Mattucks] was not settled on account of his sickness. The following is the tabular statement:

STATE OF VERMONT, *in account with Ira Allen, Esq., Treasurer.*

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DR.	CONTINENTAL MONEY.		
To cash paid on Pay-Table orders, &c., vouchers produced,	£138625	4	4
To do. paid Commissioners, &c., &c., as per receipts.....	57466	16	5
To cash in the Treasury.....	1252	12	0
	£197344	12	9

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<sup>1</sup> Ms. *Assembly Journal*, Vol. III, 179. <sup>2</sup> *Same*, 204.

LAWFUL MONEY.

To cash paid on Pay-Table orders, &c., vouchers produced,	£102293	16	7
To cash paid Commissioners, &c., as per receipts.....	14029	1	9
To State Notes in the Treasury.....	14277	3	11
	£130590	2	3

HARD MONEY.

To cash paid on Pay-Table orders, &c., vouchers produced,	£7773	7	2
To hard money orders in the Treasury.....	4345	5	6
To cash p'd Surveyor General, &c., per receipts.....	279	1	6
To cash p'd Int. on State notes.....	1211	16	1
	£13609	10	3

CR.

CONTINENTAL MONEY.

By cash received of Commissioners, &c., per books.....	£190433	6	4
By ballance due to Colo. Allen.....	6911	6	5
	£197344	12	9

LAWFUL MONEY.

By cash received of Land Committee, &c., per books.....	£66815	13	8
By State notes issued.....	24750	8	7
By cash received on the several taxes. . . . .	38536	17	11
By ballance due to Colo. Allen.....	487	2	1
	£130590	2	3

HARD MONEY.

By cash received on hard money taxes.....	£7411	2	7
By hard money orders issued . . . . .	6198	7	8
	£13609	10	3

The Auditors also reported and certified :

That we have compared all the checks that we have obtained from the late Auditor and others against him [the Treasurer], and find that he has credited the State in every particular agreeable to the several checks compared.

We also beg leave to report the following stating of the several taxes granted up to the 25th of April, 1787, except the taxes granted last October.

Amount of all the Lawful money taxes.....	£46369	18	10
Amt. of money received of Colo. Allen, Treas., on the aforesaid taxes.....	£38536	17	11
Amt. of collection fees, abatements and com- missions, certificates, &c.....	6008	7	3
	44545	5	2
Leaving due on the lawful money taxes.....	£1824	13	8
Amount of hard money taxes.....	£9236	5	9
Amt. of money receiv'd on said taxes.....	£7411	2	7
Amt. of collection fees and abatements....	475	19	10
	7887	2	5
Leaving due on the hard money taxes.....	£1349	3	4

We also beg leave to report the amount of State notes and hard money orders issued up to the 25th of April, 1787 ; also the amount in the Treasury and the amount in circulation up to said day.

Amount of State notes issued.....	£24750	8	7
Notes in the Treasury.....	14277	3	11
Leave in circulation.....	£10473	4	8
Amount of Hard money orders issued.....	£6198	7	8
Orders in the Treasury.....	4345	5	6
Leave hard money orders in circulation.....	£1853	2	2

We also beg leave to inform your Honors that we have completed a settlement with John Fassett, Esq., Commissioner of Sales, and find that he has Treasurer's receipts to balance his accounts. And we would also inform your Honors that the Commissary-General has not completed a settlement of his accounts, and that he has on hand a large sum of money that he has collected on provision taxes, which he has neglected to pay into the Treasury.

JOHN STRONG,  
SAMUEL MATTOCKS, } *Auditors.*  
ROSL. HOPKINS,

Newbury, October 19, 1787.

Although the accounts of Treasurer Mattocks were not settled, the Auditors examined them to date, and reported due on lawful money taxes £2408-9-11 ; State notes in circulation, £9627-2-8 ; leaving in circulation when the taxes were paid, about £4718-12-9. Due on hard money taxes £1322-9-6 ; hard money orders in circulation £1527-19-18, which, when the hard money taxes were paid, would leave in circulation £205-10-2.<sup>1</sup>

*Encouragement to Sheep-raising and the manufacturing of Linen.*

The fifth section of an act directing listers in their office and duty, passed Oct. 26, 1787, made it the duty of the listers to deduct from each person's list two shillings for every pound of wool raised during the year, and one shilling for every yard of linen or tow cloth made.<sup>2</sup>

*New Influences on the Controversy between N. York and Vermont.*

By the ratification of the Constitution of the United States by New Hampshire, June 21, 1788, the adoption of that instrument the consequent change in the national gov-

<sup>1</sup> Ms. *Assembly Journal*, Vol. III, 206-208.

<sup>2</sup> The same policy was indicated by an act of 1789, which exempted orchards from the list for twelve years, if forty trees were planted and kept growing on an acre.

ernment were assured. Virginia ratified the Constitution on the 26th of June following, and New York on the 26th of July. This great event had a powerful influence on the Vermont question, in Vermont and New York particularly, but also in the country at large. In July 1788 Kentucky, with the consent of Virginia, had made application for admission to the Union, and the question had been deferred to the new U. S. government for decision, and it was assumed that it would be promptly attended to. "One of the first subjects of deliberation with the new Congress will be the Independence of Kentucky, for which the Southern States will be anxious. The Northern will be glad to send a counterpoise in Vermont."<sup>1</sup> At the same time the question was pending in Congress, then in session at New York city, as to the place where the new government should be called. The decision of this question would at least be an intimation as to the location of the future capital of the country, and in any event New York was deeply interested and anxious to have all possible assistance on that question. The South and West would be naturally adverse to New York, while Pennsylvania was for its own great city, Philadelphia. Thus New York depended on the North and East, and in the North was Vermont, whose good will and aid would be valuable. There was therefore a stronger desire than ever among leading New York men,—particularly those politically opposed to Vermont's inveterate foe, Gov. Clinton — for a settlement of the controversy and the admission of Vermont to the Union.<sup>2</sup> The

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<sup>1</sup>Alexander Hamilton to Nathaniel Chipman, *post*. Mr. Hamilton had himself made a report, 3d June, 1788, that "the District of Kentucke be erected into an Independent State, and the act for its admission into the Union," which was deferred in consequence of information that nine States had ratified the Constitution.—*J. C. Hamilton's History of the Republic*, Vol. III, 481.

<sup>2</sup>*Early History*, 444. *Eastern Vermont*, 557, 558. The *Vermont Gazette* [Bennington] of July 7, 1788, published an extract of a letter from a respectable gentleman in New York to another in Bennington, representing the time as highly favorable to the admission of Vermont, *to balance that of Kentucky*, to which the Southern members were favorable; and the next number, July 14, 1788, contained copies of the journals of Congress of June 2 and 3, 1788, relating to Kentucky and favorable to her admission.

same event served also to change the disposition which had prevailed in Vermont since 1783, to remain an independent state until the government of the nation had become settled upon an acceptable and reliable basis.<sup>1</sup> The danger in Vermont then was not, so much as it had been, that the federal government would compel her to submit to the jurisdiction of New York, but that, if admitted to the Union without a settlement of the land questions, the New York titles would be confirmed by the federal court. Daniel Chipman thus wrote of this period :<sup>2</sup>

When, in the summer of the year 1788, it became evident that the constitution of the United States would be adopted by all the other states, and a national government established, the attention of the most intelligent men in the state was called to the peculiar situation of Vermont. To remain a small independent state, between the United States and the British province of Quebec, was not to be thought of, and to join the union, our controversy with New York remaining unsettled, and to subject our landed titles to the decision of the federal court, was considered by many to be extremely hazardous. Nathaniel Chipman was always fearful that, if the question should ever be brought before an impartial tribunal for decision, the New York title would be adjudged the better title.<sup>3</sup> He had, therefore, been opposed to the granting of lands by this state, which had before been granted by New York. Having this view of the subject, he felt extremely anxious to devise some means by which the controversy with New York might be speedily adjusted. And in the early part of July, a number of gentlemen, among whom were the late Judge [Lewis R.] Morris, then of Tinmouth, and the late Judge [Gideon] Olin, of Shaftsbury, met at his house in Tinmouth to hold a consultation on the subject, and they took this view of it. They said that Hamilton, Schuyler, Harrison, Benson, and other leading federalists<sup>4</sup> in New York must be extremely anxious to have Vermont join the union, not only to add strength to the government, but to increase the weight of the northern and eastern states. This was,

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<sup>1</sup> Ira Allen in *Vt. Hist. Coll.*, Vol. I, 468; *Williams*, Vol. II, 252, and *ante*, 336.

<sup>2</sup> *Life of Nathaniel Chipman*, 70, 71.

<sup>3</sup> This fear was reasonable as to all New York grants made *previous* to the Order of the King in Council, July 24, 1767. These grants covered about two hundred and fifty thousand acres.—*Vt. Hist. Coll.*, Vol. I, 145–160.

<sup>4</sup> The word then only indicated supporters of the U. S. constitution.



therefore, the most favorable time for settling the controversy with New York, and it was agreed that Nathaniel Chipman should write to Hamilton on the subject. As the convention was then sitting or about to convene at Poughkeepsie for the adoption of the United States constitution by New York, of which [Alexander] Hamilton, [Philip] Schuyler, [Richard] Harrison, and [Egbert] Benson were members, it was concluded to send the letter by express.<sup>1</sup> The letter was delivered to Hamilton while attending the convention, to which he returned an answer by the express.

The correspondence thus introduced was as follows :

*Nathaniel Chipman to Alexander Hamilton.*<sup>2</sup>

TINMOUTH, July 15, 1788.

*Sir* :—Your character as a federalist, although personally unknown to you, induces me to address you on a subject of very great importance to the state of Vermont, of which I am a citizen, and from which, I think, may be derived a considerable advantage to the federal cause. Ten states having adopted the new federal plan of government, that it will now succeed is beyond a doubt. What disputes the other states may occasion, I know not. The people of this state, I believe, might be induced almost unanimously to throw themselves into the federal scale, could certain obstacles be removed. You are not unacquainted with the situation of a very considerable part of our landed property. Many grants were formerly made by the government of New York, of lands within this territory while under that jurisdiction. On the assumption of government by the people of this state, the same lands, partly it is said for want of information respecting the true situation of these grants, and partly from an opinion prevailing with some of our then leaders, that the New York grants within this territory were of no validity, have been granted to others under the authority of this state.

It is now generally believed, that, should we be received into the union, the New York grants would, by the federal courts, be preferred to those of Vermont. The legislature of this state have in some instances made a compensation to the grantees under New York ; and I am persuaded would do the same for others were it in their power, but they are in possession of no more lands for that purpose. For these reasons, and I presume for no others, the governor and several gentlemen deeply interested in these lands

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<sup>1</sup> Daniel Chipman was the bearer of the letter, and the persons named above were at Hamilton's quarters when it was delivered. Hamilton's reply was doubtless the result of their conference.

<sup>2</sup> *Life of Nathaniel Chipman*, by Daniel Chipman, 74.

granted by Vermont, have expressed themselves somewhat bitterly against the new federal plan of government. Indeed, were we to be admitted into the union unconditionally, it would produce much confusion. Now, sir, permit me to ask whether you do not think it probable that the federal legislature, when formed, might, on our accession to the union, be induced on some terms, to make a compensation to the New York grantees, out of their western lands, and whether those grantees might not be induced to accept such compensation? Let me further suggest, whether it might not be favorable for Vermont to make some of those amendments, which have been proposed by several states, the basis of her admission?

Could the difficulties I have mentioned be removed, all interests in opposition would be reconciled; and the idea of procuring justice to be done to those whom we had, perhaps, injured by our too precipitate measures, and of being connected with a government which promises to be efficient, permanent and honorable, would, I am persuaded, produce the greatest unanimity on the subject. If you think these matters worthy the attention of the friends of the confederacy, be good enough to write by my brother, who will be the bearer of this. Our legislature will meet in October, when these matters will be taken up seriously. Several gentlemen of my acquaintance, who are men of influence and will be members of the legislature, have requested me to procure all the information in my power on this subject. Anything which you may suggest to me in confidence will be sacredly attended to, of which Mr. Kelley, who writes by the same opportunity, will give you the fullest assurance.

I am, with great respect,  
Your obedient, humble servant,

NATHANIEL CHIPMAN.

*Mr. Hamilton.*

*Alexander Hamilton to Nathaniel Chipman.*

POUGHKEEPSIE, July 22, 1788.

*Sir:*—Your brother delivered me your letter of the 15th inst. which I received with pleasure, as the basis of a correspondence that may be productive of public good.

The accession of Vermont to the confederacy is doubtless an object of great importance to the whole; and it appears to me that this is the favorable moment for effecting it upon the best terms for all concerned. Besides more general reasons, there are circumstances at the moment which will forward a proper arrangement. One of the first subjects of deliberation with the new congress will be the independence of Kentucky, for which the

southern states will be anxious. The northern will be glad to find a counterpoise in Vermont. These mutual interests and inclinations will facilitate a proper result.

I see nothing that can stand in your way but the interfering claims under grants of New York. As to taxation, the natural operation of the new system will place you exactly where you might wish to be. The public debt, as far as it can prudently be provided for, will be by the western lands, and the appropriation of some general fund. There will be no distribution of it to particular parts of the community. The fund will be sought for in indirect taxation; as, for a number of years, and except in time of war, direct taxes will be an impolitic measure. Hence, as you can have no objection to your proportion of contribution as consumers, you can fear nothing for the article of taxation.

I readily conceive, that it will be scarcely practicable for you to come into the union, unless you are secured from the claims under New York grants. Upon the whole, therefore, I think it will be expedient for you, as early as possible, to ratify the constitution, upon condition that congress shall provide for the extinguishment of all existing claims to land under grants of the State of New York, which may interfere with claims under the State of Vermont.

You will do well to conform your boundary to that heretofore marked out by congress, otherwise insuperable difficulties would be likely to arise with this state. I should think it altogether unadvisable to annex any other condition to your ratification. For there is scarcely any of the amendments proposed that will not have a party opposed to it; and there are several that will meet with a very strong opposition; and it would therefore be highly inexpedient for you to embarrass your main object by any collateral difficulties. As I write in convention, I have it not in my power to enlarge.

You will perceive my general ideas on the subject. I will only add, that it will be wise to lay as little impediment as possible in the way of your reception into the union. I am, with much esteem, sir, your obedient, humble servant,

A. HAMILTON.

*Mr. Chipman.*

*John Kelly (of New York) to Gov. Chittenden.<sup>1</sup>*

RUTLAND, STATE OF VERMONT, 23d August, 1788.

*May it please your Excellency:*—Three gentlemen of undoubted veracity and honor, who have stood forth for and publicly distinguished themselves as Friends to Vermont, are desirous to know

<sup>1</sup> Original in possession of the Vermont Historical Society.

upon what conditions this State would come into the union, being sensible that the present divided and truly unfortunate Situation of public affairs in some of the States would afford them an opportunity of exerting their influence in behalf of Vermont, and thereby render her such essential Service as they could not at any other period or in any other Situation be able to effect.

The Situation in which these Gentlemen at present stand with the Public, rendered a communication on their part improper. I have therefore been directed to Request such information on this subject, as will enable them to Serve the Interest of your Excellency's State, Relying that the same degree of prudence and Secresy which has hitherto distinguished the negotiations of Vermont will on this occasion be attended to.

Before I conclude, permit me to Observe, that I have suggested to these Gentlemen, that if Congress would exonerate Vermont from the payment of all Taxes incurred in consequence of the exigencies of the late War, and prevail on those claiming lands in Vermont under the New York Title, wch had not been chartered by New Hampshire, to accept of a compensation from Congress in Wild Land to the Westward, in lieu of their Claims, I believed it would meet the wishes of the State of Vermont; to which Colonel Hamilton (who is one of the Gentlemen above alluded to) Replied, that he had no doubt of being at present able, with the assistance of his friends, to obtain such favorable Terms for the Citizens of Vermont, as would effectually secure their property and relieve them from all Taxes on account of the War, if he could only be informed on what Terms Vermont would consent to come into the union. The other Gentlemen concurred in the same Opinion.

If your excellency should have any commands for Doctr. Johnson, Colonel Hamilton, Mr. Jay [Mr. Jay's name written and crased] or Mr. Mitchell, I shall with pleasure deliver the same, and bring back such answers as I may receive from these Gentlemen or any of them before the meeting of the Legislature. I have the honor to be, your Excellency's most obed't. servt.

JOHN KELLY.

*His Excellency, Governor Chittenden.*

*William Blodgett to Gov. Chittenden.<sup>1</sup>*

NEW HAVEN, [Conn.] Sept. 10, 1788.

*Sir*:—As the federal constitution is on the eve of being adopted, and it having been a subject of cogitation—"Whether Vermont ought to make application prior to this event or after, for an admission into the union," I have taken all opportunities with men of abilities to discourse [with] them on this subject. I

<sup>1</sup> Original in possession of Vermont Historical Society.

have freely agitated the subject with the governor and delegates of this state, and they seem full of opinion, that the two powerful fears which we are apprehensive of,—exemption from Taxes prior to our recognition, and the ratification of our territory under our desired claim—will be admitted. In a litigation with Mr. Edwards (now gone to Congress) he said he would venture to assure us of this security, and would do all in his power to have the matter agitated in Congress. But as it will be impossible in the nature of things that Congress should make overtures to Vermont, I cannot see the impropriety of our delegates going to New York and fully sifting the members of Congress as to these two objects.

From a general principle which I find operating in the minds of most people, it inclines me to think that Congress as a body wish us to make overtures to them. They say we have neglected this application almost beyond the day of redemption, that the eastern states will co-operate with the southern from a principle that we pin our faith upon the sleeve of Canada, an idea which you are sensible is highly disgusting to all parties; and that self-confidence which we seem to possess from our peculiar location may eventually be a bane to our state; and that the energetic powers of the new Congress may very much alter the face of our standing on our present claims. Some have advised our junction at all events, and think as to public debt, should Congress claim our proportion, will estimate our numbers low and not insist on vouchers for all our expenditures, and that of course we can balance accounts, but this I conceive is too great a risque to be tampered with. The idea of our having been universally attached to the cause of the United States, and having been considered as a great Barrier in the late war, operates much in our favor.

I thought it my duty to communicate this information to your Excellency, and shall all other which may concern the people of Vermont. I am now on the business of getting my map engraved, and expect it will be finished by the middle of November. I have the honor to be your Excellency's obt. servt, WM. BLODGETT.

*His Excellency, Gov. Chittenden.*

*Wm. Samuel Johnson to Gov. Chittenden.*<sup>1</sup>

NEW YORK, October 3d, 1788.

*Sir:*—I am happy to find by Mr. Kelly on his return from Vermont, that your Excellency and Council, as well as all other influential characters with whom he conversed, are well disposed towards the new constitution of the United States, and would, he thinks, wish to come into the confederacy on terms which you conceive to

<sup>1</sup> Original in possession of Vermont Historical Society.

be proper. This being the case, I cannot but take the liberty to suggest to you, that it really appears to me that this is the favorable moment for effecting it upon the most advantageous terms for all concerned. Besides more general reasons, there are circumstances of the moment which will forward the business extremely.

One of the first objects of deliberation with the new Congress will probably be the independence of Kentucky, for which the southern states will be anxious. The northern will therefore be glad to find a counterpoise in Vermont. I could mention many other circumstances if it were necessary, but I apprehend it will be sufficient to say, that I am well assured that the mutual interests and inclinations of the states will at this juncture particularly facilitate a proper result. Upon the whole, therefore, I think it will be highly expedient for you as early as possible to call a convention to ratify the constitution.

Mr. Kelly has mentioned to me that you are anxious to have your west boundary defined as you now possess it, and he fully explained your reasons therefor, which are cogent. I am also well aware of all the other objects you have in view, but conceive you need not be uneasy about particular circumstances, as I believe full and ample justice may now be rendered you.

I therefore apprehend it would not be advisable to encumber the assent of the people to the constitution with particular limitations and restrictions, but let it be in general terms, and then to authorize such gentlemen as the state can place an entire confidence in, to negotiate the particular terms of admission.

As I am obliged to leave town immediately, I have it not in my power to enlarge; you will perceive my general ideas on the subject. I will only add that it will be wise to lay as few impediments as possible in the way of your reception into the union, and beg you will remember that this is the favorable moment for you, and such another will in all probability never again offer.

I was extremely unhappy that I could not, when lately in Vermont, have an opportunity to pay you my personal respects, and to assure you of the great affection and esteem with which I am always your Excellency's most obedient humble servant,

WM. SAML. JOHNSON.

*Alexander Hamilton to Nathaniel Chipman.*

[Late in September or early in October, 1788.]<sup>1</sup>

*Sir:*—Your favor of the sixth of September has been duly handed to me, and I receive great pleasure from the hopes you appear to entertain of a favorable turn of affairs in Vermont in

<sup>1</sup> *J. C. Hamilton's Hist. of the Republic*, 533.

regard to the new government. It is certainly an object of mutual importance to yourselves and to the union, and well deserves the best endeavors of every discerning and good man.

I observe with satisfaction your opinion that Vermont will not make a point of introducing amendments, (I mean as a condition of their accession.) That ground would be the most hazardous which she could venture upon, as it is very probable that such amendments as might be popular, with you, would be deemed inadmissible by the friends of the system, who will doubtless be the most influential persons in the national councils, and who would rather submit to the inconvenience of your being out of the union till circumstances should alter, than consent to anything that might impair the energy of the government.

The article of taxation is, above all, the most delicate thing to meddle with, for a *plenary* power in that respect must be considered as the vital principle of government; no abridgment or constitutional suspension of that power can ever, upon mature consideration, be countenanced by the intelligent friends of an effective national government. You must, as I remarked in my former letter, rely upon the natural course of things, which, I am satisfied, will exempt you, in ordinary times, from direct taxation, on account of the difficulty of exercising it in so extensive a country, so peculiarly situated, with advantage to the revenue, or satisfaction to the people. Though this difficulty will be gradually diminished, from various causes, a considerable time must first elapse; and, in the interim, you will have nothing to apprehend on this score.

As far as indirect taxation is concerned, it will be impossible to exempt you from sharing in the burthen, nor can it be desired by your citizens. I repeat these ideas to impress you the more strongly with my sense of the danger of touching this cord, and of the impolicy of perplexing the main object with any such collateral experiments; while I am gläd to perceive that you do not think that your people will be tenacious on the point.

It will be useless for you to have any view in your act to the present congress; they can, of course, do nothing in the matter. All you will have to do will be to pass an act of accession to the new constitution, on the conditions upon which you mean to rely. It will then be for the new government, when met, to declare whether you can be received on your terms or not.

I am sorry to find that the affair of the boundary is likely to create some embarrassment. Men's minds everywhere out of your state, are made up upon, and reconciled to that which has been delineated by congress. Any departure from it must beget new discussions, in which all the passions will have their usual scope,

and may occasion greater impediments than the real importance of the thing would justify. If, however, the further claim you state, cannot be gotten over, with you, I would still wish to see the experiment made, though with this clog; because I have it very much at heart that you should become a member of the confederacy. It is, however, not to be inferred that the same disposition will actuate every body. In this state the pride of certain individuals has too long triumphed over the public interest, and in several of the southern states a jealousy of northern influence will prevent any great zeal for increasing in the national councils the number of northern voters. I mention these circumstances, (though I dare say they will have occurred to you,) to show you the necessity of moderation and caution on your part, and the error of any sanguine calculation for a disposition to receive you at any rate. A supposition of this nature might lead to fatal mistakes. In the event of an extension of your boundary by another congressional will, would it be impracticable for you to have commissioners appointed to adjust any difference which might arise? I presume the principal object with you in the extension of your boundary, would be to cover some private interests. This might be matter of negotiation. There is one thing which I think it proper to mention to you, about which I have some doubts, that is, whether a *legislative* accession would be deemed valid. It is the policy of the system to lay its foundation on the immediate consent of the people. You will best judge how far it is safe or practicable to have recourse to a convention. Whatever you do, no time ought to be lost. The present moment is undoubtedly critically favorable. Let it by all means be improved.

I remain, with esteem, sir,

Your obed't and humble serv't,

A. HAMILTON.<sup>1</sup>

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<sup>1</sup>*Life of Nathaniel Chipman*, 78; *Hist. of the Republic*, Vol. III, 531-535. Daniel Chipman added to this correspondence the remark, that "in the winter following, Mr. Hamilton and Mr. Chipman had an interview at Albany, when they took a view of the subject somewhat different from their views which appear in the foregoing correspondence, and *agreed on a mode of settling the controversy, which was afterwards adopted by the two States.*"—*Life of N. Chipman*, 81. Alexander Hamilton was clearly the master-spirit in New York who brought about the settlement of the question in favor of Vermont. There was one bond of personal sympathy between the leading Vermonters and Hamilton, and that was dislike to Gov. Clinton, of whose opposition to the U. S. constitution Hamilton said, he "wishes to establish CLINTONISM on the basis of ANTIFEDERALISM."—*Hist. of the Republic*, Vol. III, 507.



Oct. 9. The General Assembly met at Manchester, and on the 13th the House adopted the following novel resolution for the orderly dispatch of business :

*Legislative Monitors appointed.*

*Resolved*, that two persons be appointed MONITORS, whose duty it shall be to see that the rules of the House are observed ; and it shall also be the duty of the first chosen to serve as Speaker in the absence of the Speaker of the House. Members chosen, Stephen R. Bradley and Luke Knowlton, Esquires.<sup>1</sup>

*Agents to Congress appointed and instructed.*

Oct. 22. IN GRAND COMMITTEE of both Houses : Moses Robinson, Ira Allen, and Jonathan Arnold were elected *Agents* to Congress.<sup>2</sup>

IN GENERAL ASSEMBLY : Oct. 25. *Resolved*, that it be the duty of the Agents to Congress to use all due diligence to remove every obstacle to the mission [or admission, the word is doubtful] of this State to the Federal government.<sup>3</sup>

*Gov. Chittenden and Ira Allen arraigned.*

At this session occurred an exciting legislative episode, which would make an interesting chapter in the history of personal or party contests in Vermont, but a full account cannot be given in this paper except to the exclusion of matter more pertinent to its design. Gov. Chittenden was arraigned and severely censured by the Assembly, for issuing to Ira Allen, privately and irregularly, a charter for a town then called "Woodbridge." The Council non-concurred and proposed that Allen should cancel the charter. To this the Assembly consented, but directed the clerk to enter its censorious action on the journal, thus securing publication. This sufficiently indicates the *animus* of the proceeding. In fact Allen was equitably entitled to the township ; and Chittenden gave the charter to protect Allen from injustice by the Assembly, taking a bond ample for indemnity. It was another instance of Chittenden's "strong sense of equity" overcoming "the technical niceties

<sup>1</sup>Ms. *Assembly Journal*, Vol. III, 257. <sup>2</sup> *Council Journal*, Vol. II, 427.

<sup>3</sup>Ms. *Assembly Journal*, Vol. III, 307.

of the law." In this case he was as thoroughly honest in intention as he was daring in deed. This assault effected Chittenden's defeat at the next election, 1789; but when the affair became fully known, in 1790, public confidence was fully restored to the governor, and it was continued by successive annual elections until his death in 1797.<sup>1</sup>

*Ira Allen excused, as Agent to Congress.*

Oct. 24. On motion of Dr. [Lemuel] Chipman,

*Resolved*, That Col<sup>o</sup>. Ira Allen be and he is hereby excused from the business of the agency to which he was appointed in Grand Committee on Wednesday last.

*Resolved*, That his Excellency and Council be requested to join in Grand Committee to choose an agent to Congress in the room of Col<sup>o</sup>. Ira Allen, who has been excused from serving by a vote of this House.

In Grand Committee, Isaac Tichenor was elected to fill the vacancy thus created.<sup>2</sup>

*Memorial of John Jay and others to the New York Legislature, in favor of Vermont.*<sup>3</sup>

1789. To the Hon. the Legislature of the State of New York,  
Feb. 13. the Memorial of the subscribers, citizens of the said state, Humbly Sheweth,

That in the opinion of your memorialists, and (as they have reason to believe) of their fellow citizens in general, the present situation of the district called Vermont, and the peculiar disposi-

<sup>1</sup> *Ms. Assembly Journal*, Vol. II, 543. and *Council Journal*, Vol. II, 239, 240; *Ms. Assembly Journal*, Vol. III, 206-209, 240, 241, 296-298, 310, 311; *Vermont Gazette*, Aug. 3-24, 1789. and Feb. 15, 1790.

<sup>2</sup> *Ms. Assembly Journal*, Vol. III, 302. Ira Allen made no allusion to this event in his history, and the editor can only say that it does not appear from the journal that he formally requested or privately signified a desire to be excused. Probably he did not, but he had occasion to be displeased by an act of the House on the preceding day. He had desired a copy of all his accounts as Treasurer. A rider was moved, to wit, "at the expense of said Allen. On the question for the amendment, the yeas and nays being called for by Col. Allen, were as follows: [yeas 63, nays 8—Col. Allen not voting,] so it passed in favor of the amendment."—*Ms. Assembly Journal*, 293. There was mutual distrust and dissatisfaction between a majority of the Assembly and Allen at that time, owing to his many offices and long accounts waiting final settlement.

<sup>3</sup> *Clinton Papers*. *Ms.* copy of Memorial in possession of Vt. Hist. Soc.

tion and circumstances of its inhabitants strongly oppose a reunion under the government of this state, and that from such an event, even if it could without much difficulty be effected, no important advantages would result to New York.

That these considerations united with others of more general and national concern, concur to render your memorialists exceedingly desirous to see proper and constitutional measures taken for securing the said district unto the American confederacy as a free and independent state.

That to this end your memorialists take the liberty of suggesting to your Hon. body the expediency of appointing commissioners with full powers to treat of and agree to the independence of that district on such terms as may appear to them just and liberal and conducive to the general good.

That although your memorialists are interested in lands in the said district, and in several instances have well-founded claims on the justice of this state, yet they will be content to receive justice in any manner which the nature of the case and the situation of public affairs may point out as most expedient.

Your memorialists therefore humbly pray, that the subject may be taken into consideration, and such measures thereupon adopted as may appear most conducive to the honor and interest of this state, whether considered in its individual capacity, or as a member of the Union.

And your memorialists shall ever pray, &c.

John Jay,  
John Rogers,  
Hamilton Young,  
Hugh Gahn,  
Robert Troup, Att'y to Charlotte Hicks, widow,  
John Kelly,  
Thophilact Bachr,  
Thos. Gregg, Att'y to Henry Sailer,  
John Mason,  
Alex'r Robertson,  
John Lindsay,  
John Willson,  
John Shaw,  
Thos. Stewart, by his Att'y John Shaw,  
Alex'r I. Hamilton,  
Wm. Cockburn, for Mrs. Marquett Livingston of Clermont,  
\*Wm. Cockburn,  
John Franklin,  
Sam'l Osgood,  
Daniel McCormick,  
\*Samuel Bard,

Benj. Stout,  
Benj. Judah,  
Mrs. Leight,  
\*John Bard, Jr.,  
\*John Lawrence,  
Sam'l Lawton,  
Richard Norwood,  
\*Elias Nixon,  
Chas. Nixon, for \*John Johnson, his Att'y, and for the Rev. \*Thos. Clark,  
Marinus Willett,  
Jacob Leonard, for Mrs. Valentine,  
Ned McKenzie,  
\*James Abeel,  
John Arthur,  
\*Gerard Walton,  
Gerard Walton, Ex'r of Jacob Walton,  
\*Wm. Walton,  
Robert Boyd,  
Jacob Walton,  
Joseph Hallett,  
Henry Remsen,  
Sam'l Traverse,

John Leake,  
Thos. Ellison,  
Ann McAdam, by her Att'y Rd. Varick,  
Elizabeth Graham,  
Malicha Treat,  
Henry Chapman, for himself and heirs of Wm. Neat, Esq. dec'd.  
Joseph Judevine,  
\*Gerard Duycking,  
Frederick Rhinelander,  
Wm. Duer,  
Hercules Mulligan,  
Daniel Sevin,  
Nicholas Cruzger,  
\*Peter Kemble,  
Oliver Templeton,  
Mary Beekman,  
Garret Abel,  
Edmund Barden,  
John Cozine,  
Sam'l B. Webb,  
Nicholas C. Bogart,  
Francis Groom.

New York, Feb. 13, 1789.

Feb. 27. The New York Assembly passed a bill, on the yeas and nays, forty to eleven, declaring the consent of the legislature of that State to the erection of the district of Vermont into a

\*Those thus marked were allowed claims by the N. Y. Courts.—See *Early Hist.* VI., 510, 511.

new State by the Congress of the United States ; but it was defeated in the Senate.<sup>1</sup>

*Exportation of Grain from Vermont forbidden.*

IN COUNCIL : March 6, 1789, special session. His Excellency opened the business of the Council by laying before them the distressed situation of the Inhabitants of the State for want of Grain, and proposed that an Imbargo be laid to prevent the Exportation of Wheat and other Bread Corn out of this State. Having spent some time in debating on the subject, adjourned.<sup>2</sup>

On the 7th a resolution for the above purpose was adopted, and Mr. Secretary Fay, Mr. Tichenor and Col. Lyon were requested to draw an ordinance for the purpose ; which was done, and the ordinance was adopted and ordered to be published in the two newspapers of the State. The exportation of grain was prohibited, on pain of forfeiture, from the 20th of March to the 18th of April, with this proviso :

Provided nevertheless, this provision shall not extend to prevent, hinder or molest any of the citizens of the United States, or those of the Province of Quebec, from conveying through any part of this State, Wheat, Rye, Indian Corn, Barley, meal, or flour, which they may have purchased in any of the United States.<sup>3</sup>

*Act of New York to negotiate with Vermont.*

On the 6th of July, a bill was introduced into the Assembly of New York for the appointment of commissioners to negotiate with Vermont. On the 8th, the petition of John Jay and others, bearing date Feb. 13, 1789, and given herein as of that date, was presented ; and on the 14th the bill became a law, as follows : <sup>4</sup>

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<sup>1</sup> *Early History*, 444. *Assembly Journal of N. Y.*, Feb. 27, 1789.

<sup>2</sup> *Council Journal*, Vol. II, 447.

<sup>3</sup> *Vermont Gazette*, March 9, 1789. The same number of the *Gazette* contained this statement: "We are informed that his Excellency the Governor of this State has now on hand near seven hundred bushels of grain, for which he has refused the hard cash, deeming it his duty, in the present scarcity, to keep it by him, for the use of the people of his government."

<sup>4</sup> *Early History*, 445. *Laws of New York*, 13th Sess., 2.

An act appointing Commissioners, with power to declare the consent of this state of New York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new state. Passed July 14, 1789.

*Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same:* That Robert Yates, Rufus King, Gulian Verplanck, Robert R. Livingston, Simeon De Witt, Richard Varick and John Lansing Jr. Esqrs. shall be and hereby are appointed Commissioners, with full power to them, or any four or more of them, in their discretion, as they shall judge the peace and interest of the United States in general, and of this State in particular, to require the same, and on such terms and conditions, and in such manner and form, as they shall judge necessary and proper, to declare the consent of the legislature of this State, that such district or territory, within the jurisdiction and in the northeastern and northern parts thereof, as the said Commissioners shall judge most convenient, should be formed and erected into a new State—and every act of any four or more of these Commissioners hereby appointed, in the execution of the power aforesaid, shall be as effectual to every purpose as if the same had been made an immediate act of the Legislature of this State. *Provided always, and it is hereby declared,* That nothing in this act contained is intended or shall be construed to give any person claiming lands in such district to be erected into an independent State, any right to any compensation whatsoever from this State.

*New York Commissioners to Gov. Chittenden.<sup>1</sup>*

*Sir:*—We do ourselves the honor of enclosing your Excellency a copy of an act of the Legislature of the State of New York. You will be pleased to make such communication thereof as you may deem expedient, and to advise us of any measures which may be taken on your part to effect the attainment of the objects it contemplates. Your communications addressed to us under cover of Messrs. Yates, De Witt and Lansing, at Albany, we beg leave to assure you will receive the earliest attention from your Excellency's most obedt. and very hum. servts.,

Signed, { ROBT. LIVINGSTON,  
ROBT. YATES,  
JOHN LANSING, jun'r.,  
RUFUS KING,  
GULIAN VERPLANCK,  
SIMEON DE WITT.

Albany, July 16, 1789.

*His Excellency, Thomas Chittenden, Esquire.*

*October Session of the General Assembly, 1789.*

Oct. 8, the General Assembly met at the meeting-house in Westminster. On the same day the votes for state officers were counted, and the committee reported that there had been no election of Governor by the people.<sup>2</sup>

<sup>1</sup> Ms. *Vt. State Papers*, Vol. XXIV, 27.

<sup>2</sup> No statement of the votes cast was entered on the journals in the early days of the government, but the fact only of an election, or failure to elect. The *Vermont Gazette* of Nov. 2, 1789, contained the vote in

IN GRAND COMMITTEE: Oct. 9, 1789. The Council having joined with the Assembly in Grand Committee to choose a Governor for the year ensuing—His Excellency Thomas Chittenden, Esqr., in the chair, Ros. Hopkins, Esqr., Clerk:

The ballots being taken, sorted and counted for Governor for the year ensuing, the Honorable MOSES ROBINSON, Esqr. was elected and declared Governor for the year ensuing.

*Resolved*, that the chairman of the Committee [Gov. Chittenden] be requested to inform the Honorable Moses Robinson, Esqr. of his being elected Governor of this State for the year ensuing, and to desire his attendance to the business of his appointment.

*Resolved*, that Capt. David Robinson be the Messenger from his Excellency Governor Chittenden to the Honbl. Moses Robinson, Esqr.

The Committee then dissolved.

Attest,

ROS. HOPKINS, *Clerk.*<sup>1</sup>

The journal does not notice the fact that, on declaring the election of Mr. Robinson, Gov. Chittenden addressed the Grand Committee. He did, however, briefly, to the following effect:<sup>2</sup>

*Gentlemen of the Council and Gentlemen of the House of Representatives:*

I have had the honor to hold the important trust of your chief magistrate a number of years past, in the whole course of which I have endeavoured to serve the interest of the state to the best of my abilities; and on my retiring to private life, can assure you, that I feel a consciousness of having discharged my duty with simplicity and unremitted attention.

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detail, to wit: Thomas Chittenden 1263, Moses Robinson 746, Samuel Safford 478, Joseph Marsh 94, Ebenezer Marvin 87, Stephen R. Bradley 76, Jonathan Arnold 47, Isaac Tichenor 35, Gideon Olin 32, Paul Spooner 11, Nathaniel Niles 10, Alexander Harvey 8, Noah Smith 6, Joseph Smith 5, Job Swift 4, John Strong 3, Timothy Brownson and Samuel Mattocks each 2, Jonathan Robinson, Jonathan Hunt, Daniel Held [Heald], Aaron Barlow and Joseph Wood one each—total number 2865. Thus it seems that 1433 votes were required to elect, and that Gov. Chittenden fell short only 170 votes.

<sup>1</sup> Ms. *Assembly Journal*, Vol. III, 315, 316; printed *Journal* of that Session, 6.

<sup>2</sup> *Vermont Gazette*, Oct. 19, 1789. The same number contains the toasts drank from "a cheerful bottle" furnished by order of Gov. Robinson to the military, who escorted him some distance on his way to the Assembly. Among the fourteen toasts were these:

"A speedy union with the United States, on honorable terms."

"May tranquility and honor await governor CHITTENDEN on his retiring from the chair."

Since I find that the election has not gone in my favor by the freemen, and that you, gentlemen, would prefer some other person to fill the chair, I can cheerfully resign to him the honors of the office I have long since sustained, and sincerely wish him a happy administration, for the advancement of which my utmost influence shall be exerted.

I ardently wish you, gentlemen, happiness and prosperity; may the blessing of heaven attend your useful deliberations, and render you subservient in all your public exertions to the best good of your constituents.

IN ASSEMBLY: Oct. 9. *Resolved*, that a committee of five be appointed to prepare an address of thanks to the late Governor for his past services. Members chosen, Mr. Hitchcock, Mr. Marvin, Mr. N. Smith, Mr. I. Allen, and Mr. Paine.<sup>1</sup>

The committee reported an address, and it was recommitted, reported again, and laid on the table. Not until the 17th was the address adopted, and then it was by yeas and nays—76 to 12. By order of the House, the Speaker signed and communicated it in the name of the representatives of the people. It declared the satisfaction they felt in his administration; a grateful sense of the many and good services he had rendered “as the supporter, guardian, and protector of their civil liberties;” and “and all that a noble and generous mind can give or wish to receive, their gratitude and warmest thanks.”<sup>2</sup>

Oct. 14. His Honor the late Governor came into the House [by request of the House] and communicated such letters and advices as he had received from abroad, touching our situation with the Federal Government of the United States.<sup>3</sup>

Oct. 16. *Resolved*, that this House join his Excellency and the Council in Grand Committee on the business of appointing Commissioners to treat with the Commissioners appointed by the State of New York.

His Excellency the Governor and Council having joined with the Assembly:

IN GRAND COMMITTEE, for the above purpose, his Excellency in the chair, Roswell Hopkins, Clerk: an act entitled “An act appointing Commissioners with power to declare the consent of the Legislature of this State of New York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new State,” passed July 15, 1789, was read. The question being put, Whether this Committee would recommend to the Legislature to appoint Commissioners, to treat with the Commissioners of the

<sup>1</sup> Ms. *Assembly Journal*, Vol. III, 316; printed *Journal*, 6.

<sup>2</sup> Printed *Journal*, 29. <sup>3</sup> *Same*, 20.

State of New York agreeable to said act ? it passed in the affirmative.<sup>1</sup>

A sub-committee of seven was appointed to draft a bill, which was reported on the 17th ; and the Grand Committee recommended its passage, and immediately thereafter the Assembly accepted the report. On the 19th the bill was sent to the Governor and Council for revision and concurrence, or proposals of amendment : on the 20th amendments were proposed by the Council, one of them being to strike out the proviso to the act, which was rejected, 64 to 29. Still again, on the 23d, the Council proposed the same with other amendments, which were again rejected by the Assembly ; and afterwards, on the same day, the Council concurred with the Assembly, and the bill became a law, as follows :<sup>2</sup>

*An act appointing Commissioners for the purposes therein mentioned.*

**W**HEREAS it is of consequence that the line between the State of Vermont and the State of Newyork be ascertained and established, and that certain obstacles to the admission of the State of Vermont into union with the United States, should be removed : Which purposes to effect,

*It is enacted by the General Assembly of the State of Vermont,* That Isaac Tichenor, Stephen R. Bradley, Nathaniel Chipman, Elijah Paine, Ira Allen, Stephen Jacob, and Israel Smith, Esquires, be, and hereby are, appointed Commissioners in behalf of this State, with full power to them, or any four or more of them, to treat with Commissioners that now are, or hereafter may be appointed by the State of Newyork, and who shall be fully authorized and empowered, by the said State of Newyork, to ascertain, agree to, ratify, and confirm, a jurisdictional or boundary line between the State of Newyork, and the State of Vermont : and to adjust and finally determine, all and every matter or thing, which in any wise obstructs a union of this State with the United States. And,

*It is hereby further enacted,* That every act or agreement of the said Commissioners, or either four or more of them, made and entered into and with certain Commissioners that now are, or hereafter may be appointed by the State of Newyork, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same had been an immediate act of the Legislature of this State.

*Provided always,* That nothing in this act shall be construed to give the said Commissioners power to lessen or abridge the present jurisdiction of this State ; or in any wise oblige the inhabitants of the same, or any other person or persons claiming title to lands heretofore granted by this State, or the late province of Newhampshire, to relinquish their claims under the jurisdiction thereof ; or in any wise subject the State of Vermont to make any compensation to different persons claiming under grants made by the late province and now State of Newyork, of

<sup>1</sup> Printed *Journal*, 27.

<sup>2</sup> Printed *Journal*, 28, 29, 30, 38, 42, 44, 45, 51.



lands situate and being in the State of Vermont, and within the jurisdiction of the same.<sup>1</sup>

*Agents to Congress elected.*

IN GRAND COMMITTEE: Oct. 27. Isaac Tichenor, Stephen R. Bradley and Elijah Paine were elected "Agents to transact the negotiation of this State, with the Congress of the United States of America, for admission into the federal government."<sup>2</sup>

*Correspondence of the Commissioners of Vermont and New York.*  
[Abstracts and Extracts.]

1790. The preceding act of Vermont, Oct. 23, 1789, was February. communicated to the New York Commissioners in November, who replied in December, inviting a meeting in New York City, which was accordingly held in February following, when the annexed correspondence occurred. The documents, from which this account was prepared by HILAND HALL, were furnished to him by HENRY STEVENS, in 1858. The letters of the New York Commissioners were originals, and those of the Vermont Commissioners were copies. The extracts are indicated by quotation marks.

*Vermont Commissioners to New York Commissioners.*

"NEW YORK, No. 151 Water Street, Feby. 9, 1790.

*To the Honble. the Commissioners of the State of New York.*

Gentlemen:—In pursuance of an act of the State of Vermont, passed the 23d October 1789, which we had the honor to communicate in November last, and in consequence of your letter to us of the 21st December, we have arrived in this city, and are ready to receive any communications from you on the subject of our appointment. With sentiments of esteem we are your obedient and very humble servants,

ISAAC TICHENOR,  
STEPHEN R. BRADLEY,  
NATHL. CHIPMAN,  
ELIJAH PAINE,  
STEPHEN JACOB."

<sup>1</sup> Pamphlet *Acts*, 9. That this act was not entirely acceptable, is evident from the following pasquinade, published in the *Vermont Gazette*, Jan. 25, 1790:

At Westminster, lately, the State of Vermont  
After due consultation determin'd upon't,  
That *seven good men* were sufficient to join  
With New York to determine the government line,  
Remove all obstructions and point out the way  
For Vermont in the Union her star to display;  
But alas! brother freemen, I fear it will prove  
We have raised *six* or *seven* new blocks to remove.

<sup>2</sup> Printed *Journal*, 59.

*New York Commissioners to Vermont Commissioners.*

NEW YORK, No. 49 Smith Street, Feby. 9, 1790.

The New York Commissioners wish to meet the Vermont Commissioners at the city tavern at six o'clock this afternoon.

ROBERT R. LIVINGSTON,  
ROBERT YATES,  
RUFUS KING,  
JOHN LANSING, JR.,  
SIMEON DE WITT.

*New York to Vermont Commissioners.*

Feb. 10. Protesting that nothing in the manner of conducting the negotiation shall be construed into any relinquishment of the claims of New York, unless a treaty be fully completed "by the admission of Vermont into the Union," they propose to treat on the following grounds :

1. "To consider the commissioners on the part of Vermont as acting under the authority of an independent state.
2. "To treat with them on that footing relative to the boundary lines of Vermont and New York.
3. "If we should agree upon such boundary lines, to relinquish the claims of the State of New York to any territory within or jurisdiction over any part of what shall, upon such settlement of the limits, be considered as the State of Vermont."

*Vermont to New York Commissioners.*

Feb. 10. They agree to the foregoing, "provided the vacating of grants made by letters patent under the late province of New York, where the same shall interfere with any grant or extend to any lands granted by the State of Vermont, and the extinguishment of the claims of the patentees under the same, be also a subject of the negotiation."

Feb. 11. "In addition to our communication of yesterday, relative to the patents under the late province of New York interfering with grants which have been made by the State of Vermont, we conceive it our duty, in order to prevent any misunderstanding or surprise, to mention that such of the patents of New York and grants of New Hampshire as interfere, or cover the same lands, are also to be an object of the negotiation."

*New York to Vermont Commissioners.*

Feb. 11. They submit to the Vermont commissioners "whether your powers authorize you to relinquish the claims of the grantees of lands under Vermont, or to stipulate a compensation for an extinguishment of the interfering claims of the grantees under New York. If not, we conceive that we are obliged to confine our negotiations to the points mentioned in the second and third propositions which we have heretofore laid before you."

*Vermont to New York Commissioners.*

Feb. 12. They think their powers sufficient, but it has been mutually agreed that the present negotiation shall not be binding, unless it terminates in the admission of Vermont into the Union, and they propose to proceed with the negotiation until they find obstacles to a further progress, if any.

*New York to Vermont Commissioners.*

Feb. 12. They are not satisfied with the powers of the Vermont Commissioners to treat in regard to compensation for the relinquishment of

the New York land claims, and propose to treat only of the other two subjects, viz: the settlement of the boundary, and the removal of objections to the admission of Vermont into the Union.

*Vermont to New York Commissioners.*

Feb. 12. The business of the negotiation is anticipated by the New York Commissioners, because until the matter is discussed it cannot be determined that Vermont should make compensation, or if any, in what way. "If in the course of the negotiation the powers of the Commissioners on either part should be found insufficient to carry into effect such measures as shall be mutually thought *necessary, just and reasonable*, the negotiation must be at an end, unless the respective legislatures will enlarge those powers."

*New York to Vermont Commissioners.*

Feb. 12. They complain of the Vermont Commissioners for wishing to treat of matters beyond their powers, viz: "the vacating the patents under New York," "though in our apprehension you were not authorized to offer us any equivalent for this sacrifice had we been disposed to make it." They therefore ask: "Can you bind your State to make a territorial or pecuniary equivalent to the patentees under New York, if we should take measures with you for the extinguishment of those claims? If you cannot, are you willing to proceed upon the principles laid down in our first propositions, to treat of the two points, to which we mutually agree that your powers are competent?" "The further progress of the negotiation must depend on your answers to these questions."

*Vermont to New York Commissioners.*

Feb. 13. They object again to anticipating the negotiation, but answer: "That although we are not empowered to treat with individual claimants for a relinquishment of the grants under which they claim, or to bind the State we represent to make a compensation to such individual claimants, yet we are of opinion we are fully authorized by the law under which we act to stipulate a compensation *to the State of New York* for any extinguishment that State shall make of private claims, if found to be just and reasonable. If this answer be satisfactory, we think it necessary to ask whether the Commissioners on the part of New York were themselves authorized to extinguish, on any terms, the claims of the patentees under the late province of New York, which interfere with the grants made under the State of Vermont and the late province of New Hampshire."

*New York to Vermont Commissioners.*

Feb. 13. They do not recognize the distinction taken by the Vermont Commissioners between their powers to treat for compensation to individuals and to the State of New York. They submit their powers to the Vermont Commissioners, and declare they cannot negotiate in regard to the relinquishment of land patents.

*Vermont to New York Commissioners.*

Feb. 13. "*Gentlemen*:—We must judge of the avowed objects of the law under which we act. As you decline to treat with us upon a subject which manifestly appears to be the most important object of the law as it respects the State of Vermont, the treaty is at an end. We are very unhappy that a misunderstanding of the law, as to the powers given to us, should defeat the designs of the two governments.

"We have the honor to be, gentlemen, your obt. and humble servts."

[Signed by the Vermont Commissioners.]

The negotiations having been suspended for the *real reason* that the powers of the New York Commissioners were insufficient to provide for annulling the New York patents, an application was immediately made to the Legislature of that State, then in session at Albany, for the passage of a new act.<sup>1</sup> The Vermont Commissioners appear to have remained in New York, or Albany, waiting the result,<sup>2</sup> until the act was passed, when the New York Commissioners immediately furnished them with a copy of it, as follows :

"An act appointing Commissioners with power to declare the consent of the Legislature of this State, that a certain territory, within the jurisdiction thereof, should be formed into a new State. Passed March 6, 1790.

*Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same:* That Robert Yates, Robert R. Livingston, John Lansing, junior, Gulian Verplanck, Simeon De Witt, Egbert Benson, Richard Sill, and Melancton Smith, shall be, and hereby are appointed Commissioners, with full power to them or any four of them, in their discretion as they shall judge the peace and interest of the United States in general, and of this State in particular, to require the same, and on such terms and conditions, and in such manner and form as they shall judge necessary and proper, to declare the consent of the Legislature of this State that such district or territory within the jurisdiction, and in the northeastern and northern parts thereof, as the said Commissioners shall judge most convenient, should be formed and erected into a new State; and with further full power to treat, conclude and agree with any person or persons, or any assemblies or bodies of people touching the premises, or touching the ceding or relinquishing the jurisdiction of this State over such district or territory, or touching the securing or confirming of rights, titles, or possessions of lands within such district or territory, held or claimed under grants from the State of New Hampshire while a colony, or under grants, sales or locations made by the authority of the government or jurisdiction now existing and exercised in the northeastern parts of this State, under the name or style of the State of Vermont, against persons claiming the same lands under grants from this State while a colony, or since the independence thereof; and every act of any form or name, of the Commissioners hereby appointed, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same were an immediate act of the Legislature of this State. *Provided*, such grants, sales or locations by or under Vermont, do not extend to the westward of the towns granted, located or occupied under the late colony of New Hampshire, which lay in that part of the country aforesaid, between the north boundary of the commonwealth of Massachusetts, continued from the northwest corner thereof towards Hudson's river, and a parallel line extending eastward from the point of land where Fort Edward formerly stood, until it meets with the west bounds of any of the said granted, located or occupied towns.

<sup>1</sup> *Journals of N. Y. Assembly*, from 15th February to March 6, 1790.

<sup>2</sup> See their report to the Vermont Assembly of Oct. 21, 1790, *post*, 496.

II. *And be it further enacted by the authority aforesaid,* That whatever stipulations shall be made by the Commissioners appointed by this act, with any person or persons, or any assemblies or bodies of people touching the premises, or touching the ceding or relinquishing the jurisdiction of this State over such district or territory, or touching the securing of rights, titles or possessions of lands within said district, for a compensation for extinguishing the claims to lands within such district, or derived under the late colony of New York, shall be for the use of such claimants, although in such stipulations such compensation shall be for the use of this State, or for the people thereof; and that nothing in this act contained shall be intended or construed to give any such claimants any right to any further compensation whatsoever from this State, other than such compensation which may be so stipulated as aforesaid.

III. *And be it further enacted by the authority aforesaid,* That the act entitled An act appointing Commissioners with full powers to declare the consent of the Legislature of this State of New York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new State, passed the 16th day of July, in the year one thousand seven hundred and eighty-nine, shall be and hereby is repealed.”<sup>1</sup>

The following facts are gathered from papers furnished by Mr. STEVENS :

*New York to Vermont Commissioners.*

March 1790.<sup>2</sup> Robert Yates, Gulian Verplanck, Egbert Benson, Richard Sill, and Melancton Smith, the New York commissioners, addressed the Vermont commissioners, enclosing the act of that State appointing them. Referring to the previous negotiation, they propose “to proceed to the conference in expectation that, if it should appear advisable to the commissioners on both sides, that by the articles of final agreement rights of any persons derived under grants from New York are to be extinguished and that the State of Vermont is to pay monies to the State of New York, that it will then appear to you not improper to consent on your part, that the operation of the article for extinguishing rights should be suspended until the legislature of Vermont shall have declared that you were authorized to agree to the article stipulating for the payment to the State of New York, or that the business will be found susceptible of such other modification as to afford the respective parties equal and reasonable security.”

*Vermont to New York Commissioners.*

“*Gentlemen:*—We have the honor to communicate to you, in answer to your letter of this day, (inclosing an act of the legislature of the State of New York appointing commissioners for the purposes therein men-

<sup>1</sup> In the Council of Revision, March 5, 1790, Gov. Clinton reported seven objections to the bill, carefully elaborated, the leading one being that it violated that article of the amendments to the Constitution, just then adopted, which declares that “private property shall not be taken for public use without just compensation.” The Council overruled the Governor.—See Street’s *New York Council of Revision*, 416–418; and *Early History*, 448.

<sup>2</sup> New York, March 6, 1790, was the date, but it is supposed to have been a few days later, as that was the date of the act at Albany.

tioned.) that we are ready to proceed to the conference you propose, and are willing, in case any doubts shall arise in the course of the treaty respecting the powers granted by the law under which we act, to suspend the operation of the treaty till the same shall be ratified by the legislature of the State of Vermont."

It seems that the treaty not being completed at New York in March 1790, an agreement was made for the commissioners to meet again at Stockbridge, Massachusetts, in July following.

*Gulian Verplanck, at Stockbridge, to Vermont Commissioners.*

July 9, 1790. Regrets their disappointment in not meeting the New York commissioners, and requests them "to name a time and place for a future meeting to be held on condition of your receiving such information from the commissioners on the part of New York as may satisfy you of their intentions to attend on the occasion."

*Vermont Commissioners to Mr. Verplanck.*

July 9, 1790. Will meet the New York commissioners "at New York or Bennington on the 27th day of September next as they shall appoint, provided we receive seasonable intimations of their wish and readiness to attend."

*Isaac Tichenor to New York Commissioners.*

Bennington, Aug. 4, 1790. Has received their letter fixing the time and place of meeting at New York, and will communicate the information to his colleagues.

The commissioners met at New York as agreed, and the papers, of which the following are abstracts and extracts, passed between them :

*Propositions of the New York Commissioners, Oct. 1, 1790.*

1. That Vermont without delay use the requisite means to be admitted into the union of the United States.
2. That from the admission the boundary line be as now occupied, &c. If an extinguishment of New York grants be required, then
3. That all New Hampshire grants prior to grants from New York, to be decreed valid, the state of New York to appoint a commissioner to reside at Albany, to receive descriptions of such lands granted by New York, and not previously granted by New Hampshire, and on payment to such commissioner at the rate of 18 cents per acre for such land, the grants from New York to be thereby extinguished.

*Vermont Commissioners to New York Commissioners.*

Oct. 2. They cannot assent to these propositions. The third proposition is inadmissible, and they submit terms as follows :

1. The boundary between the two states to be a line beginning at the north-west corner of the state of Massachusetts, thence west-ward, along the south boundary of Pownal, to the south-west corner thereof, thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney, as the said townships are now held or possessed, to the river, commonly called Poultney river, thence down the same, through the middle of the deepest channel thereof, to East Bay, thence through the middle of the deepest channel of East Bay and the waters thereof, to

where the same communicates with Lake Champlain, thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands, called the Four Brothers, and the westward of the islands, called Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Motte, to the forty-fifth degree of north latitude ; and that the state of New York be forever concluded from claiming any lands or jurisdiction east of said line.

2. That Vermont shall make provision for New York claimants in those cases only where the grants under Vermont shall have been declared good and valid against them, and shall make such compensation as the Legislature of Vermont shall deem just and equitable, provided the claims be exhibited to the Legislature by a certain day to be fixed.

3. That Vermont will take all due means to be admitted into the union.

4. That all New Hampshire and Vermont grants shall be good and valid, and all interfering New York grants void, except confirmation grants.

*New York to Vermont Commissioners.*

Oct. 2. They do not object to the boundary, supposing it to be as jurisdiction is now exercised. Are also ready to assent to a total extinguishment of rights under New York grants, provided we can agree as to the terms. Wish to know whether a proposition that Vermont should pay a sum of money to New York ; or that claims under New York to lands not granted by New Hampshire, should be referred to commissioners, to be appointed by the President of the United States, or in other impartial manner to be determined ; or a proposition, the effect of which not depending on the discretion of the Legislature of Vermont, will furnish a recompense to the New York claimants, are admissible ?

The answer to the foregoing inquiries does not appear to be among the papers.

*New York to Vermont Commissioners.*

“NEW YORK, 4 Oct., 1790.

“*Gentlemen* :—In answer to your note of yesterday, we inform you that we shall never agree as a matter of compact, to a proposition to leave the New York grantees wholly to the discretion of the Legislature of Vermont, and at what point of differences between you and us we shall on our part decline further to treat, is, in the present stage of the business, a premature inquiry. We conceive it to be previously the duty of the commissioners, on both sides, to attempt every modification of terms or propositions, and with this will be sent you our letter of Saturday last, and to which we shall still expect your answer.”

The papers do not give the course of the subsequent negotiation after this. It seems, however, that the New York commissioners proposed to accept the sum of \$30,000 as a compensation for the relinquishment of the New York titles, to which the following answer was returned.

*Vermont to New York Commissioners.*

“*Gentlemen* :—If we rightly understand your proposals of yesterday, they comprehend two propositions :—The first contemplates a total extinguishment of the New York grants, where they interfere with the

New Hampshire grants, on the payment of 30,000 dollars, and makes no provision for the extinguishment of the interfering Vermont grants. The second makes provision for the extinguishment of the Vermont grants, and leaves the New Hampshire grants to be contested at law. In this view of the proposition, it is inadmissible.

The commissioners on the part of Vermont, in answer to your proposals of yesterday, say that they cannot agree to your proposition so far as respects the sum of 30,000 dollars for an extinguishment of all the New York claims, and in lieu thereof do propose that it shall be optional with the Legislature of Vermont to pay the sum of 20,000 dollars for the extinguishment of all New York claims, or leave the payment to be made by individuals at the rate of ten cents per acres for such of the New York claims only as interfere with the Vermont grants; all the New York grants interfering with the New Hampshire grants to be vacated without any compensation whatever. Some small alterations from your proposals in the conditions of payment might be necessary.

If you, gentlemen, can meet with us in these views, we will ensure a compliance on the part of your [our] government."

It is probable that the further intercourse of the respective commissioners was oral rather than written. It terminated on the 7th of October, 1790, by the execution by the New York commissioners of a formal instrument in writing, which was accepted by the Vermont commissioners as the basis of a final adjustment of the whole controversy. It was as follows:

*"To all to whom these presents shall come :*

Be it known, that Robert Yates, John Lansing, junr., Gulian Verplanck, Simeon DeWitt, Egbert Benson and Melancton Smith, commissioners, appointed by an act of the legislature of the State of New York, entitled 'An act appointing commissioners with powers to declare the consent of the legislature of this State, that a certain territory within the jurisdiction thereof should be formed into a new State,' passed the 6th day of March last:—Do hereby, by virtue of the powers to them granted for the purpose, declare the consent of the legislature of the State of New York, that the community now actually exercising independent jurisdiction, as the STATE OF VERMONT, be admitted into the United States of America, and that immediately from such admission all claim of jurisdiction from the State of New York, within the State of Vermont, shall cease, and thenceforth the perpetual boundary line between the State of New York and the State of Vermont shall be as follows, viz:—Beginning at the north-west corner of the State of Massachusetts, thence westward along the south boundary of the township of Pownal, to the south-west corner thereof, thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney, as the said townships are now held or possessed, to the river, commonly called Poultney river, thence down the same, through the middle of the deepest channel thereof, to East Bay, thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicates with Lake Champlain, thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called Grand Isle and Long Isle, or the Two He-



roes, and to the westward of the Isle La Mott, to the forty-fifth degree of north latitude. And the said commissioners do hereby declare the will of the legislature of the State of New York, that if the legislature of the State of Vermont shall, on or before the first day of January, in the year one thousand seven hundred and ninety-two, declare, that the State of Vermont shall, on or before the first day of June, in the year one thousand seven hundred and ninety-four, pay to the State of New York the sum of thirty thousand dollars, that immediately from such declaration by the legislature of the State of Vermont, all rights and titles to lands within the State of Vermont, under grants from the government of the late colony of New York, or from the State of New York, except as hereinafter excepted, shall cease ; or, if the legislature of the State of Vermont shall not elect to make such declaration, then that, except in cases where the grants from New York were intended as confirmations of grants from New Hampshire, all rights and titles under grants from the government of the late colony of New York, or from the State of New York, to lands within the State of Vermont which may have been granted by the governor of the late colony of New Hampshire, shall cease ; and the boundaries, according to which such grants from the government of the late colony of New Hampshire have been held or possessed, shall be deemed to be the true boundaries. And the said commissioners do hereby further declare the will of the legislature of the State of New York, that all rights and titles to lands within the State of Vermont under grants from the government of the late colony of New York, or from the State of New York, and not granted by the government of the late colony of New Hampshire, shall be suspended until the expiration of three years after the governor of the State of Vermont, for the time being, shall have been notified that a commissioner, to be appointed by the State of New York, after the first day of January, in the year one thousand seven hundred and ninety-two, and to reside and hold a public office at the city of Albany, shall have entered upon the execution of his office ; and if, within one year after such notification, there shall be delivered to such commissioner, either the original or a certified abstract, containing the date, the names of the grantees, and the boundaries of a grant from New York ; and if, thereupon, at any time before the expiration of the said term of three years above mentioned, there shall be paid to such commissioner at the rate of ten cents per acre for the whole or any parcel of the lands contained in such grant from New York, all right and title under such grant shall, in respect to the lands for which payment shall be made, cease, and a receipt under the hand and seal of such commissioner, specifying the lands for which payment shall be made, shall be evidence of the payment. And in default of delivering the original, or such certified abstract of the grant, to the commissioner, within the said term of one year, for that purpose above limited, all right and title under the grant, in respect of which there shall be such default of delivery, shall cease ; but where the original or certified abstract of the grant shall be duly delivered to the commissioners, and if thereupon payment shall not be duly made to the commissioner, the right and the title under the grant, in respect to the lands for which payment shall not be made, shall remain, and suits for the recovery of such lands may be prosecuted in the ordinary course of law, provided the suit be commenced within ten years after the State of Vermont shall have been admitted into the union of the United States, otherwise the right and title under the grant from New York shall in such case also cease.

*In testimony whereof*, the said commissioners have hereunto set their hands and affixed their seals, the seventh day of October, in the fifteenth

year of the independence of the United States of America, and in the year one thousand seven hundred and ninety.

*Witnesses :*  
Richard Varick,  
Alexander Hamilton,  
Samuel Jones,  
Robert Benson.

ROBERT YATES, [L.S.]  
JOHN LANSING, junr., [L.S.]  
GULIAN VERPLANCK, [L.S.]  
SIMEON DEWITT, [L.S.]  
EGBERT BENSON, [L.S.]  
MELANCTON SMITH, [L.S.]<sup>1</sup>

*Report of the Vermont Commissioners.*

*To the Honl. the Legislature of the State of Vermont:*—Your commissioners appointed to treat with the commissioners of New York on a boundary line between the two governments and the removal of certain obstacles which prevent the admission of Vermont into union with the United States, *Report:* That in January last they commenced their negotiation—that after sundry communications and conferences the business terminated in a repeal of the act giving powers to the commissioners on the part of New York; and a new act was passed by the legislature of New York, then in session, appointing commissioners with full and direct powers to treat with us on the objects of our appointment. After opening the negotiation with them, we agreed to adjourn to Stockbridge the 6th of July then ensuing, at which time we convened, but by reason of the indisposition of two of the commissioners on the part of New York, we were necessitated to adjourn to the 27th of September then ensuing, at the city of New York, where the negotiation was resumed and closed on the 7th instant, by receiving from the commissioners of the State of New York their OFFICIAL ACT, which we now present to the legislature for their consideration.

ISAAC TICHENOR,  
STEPHEN R. BRADLEY,  
NATHL. CHIPMAN,  
IRA ALLEN,  
ELIJAH PAINE,  
ISRAEL SMITH.

Castleton, Oct. 21, 1790.<sup>2</sup>

*Acceptance and Ratification by the General Assembly of Vermont.*

An act directing the payment of thirty thousand Dollars to the State of Newyork, and declaring what shall be the Boundary line between the State of Vermont and State of Newyork—and declaring certain grants therein mentioned, extinguished.

WHEREAS Robert Yates, John Lansing, jun., Gulian Verplanck, Simeon De Witt, Egbert Benson, and Melancton Smith, Esquires, Commissioners, appointed by an act of the Legislature of the State of Newyork, entitled “An act appointing Commissioners, with power to declare the consent of the Legislature of the State of Newyork, that a certain territory within the jurisdiction thereof, should be formed into a new State”—passed the fifth day of March, A. D. 1790—did, by their certain act on the seventh day of October instant, at Newyork, by virtue of the powers to them granted for the purpose, among other things, declare the consent of the Legislature of the State of Newyork, that

<sup>1</sup> *Vt. Gazette*, for October 25, 1790.

<sup>2</sup> *Ms. Vermont State Papers*, Vol. XXIV, 33.

the State of Vermont be admitted into the Union of the United States of America; and that immediately from such admission, all claims of jurisdiction of the State of Newyork, within the State of Vermont, should cease; and thenceforth the perpetual boundary line between the State of Newyork and the State of Vermont, should be as follows, viz: Beginning at the northwest corner of the State of Massachusetts — thence westward along the south boundary of Pownal, to the southwest corner thereof — thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells, and Poultney, as the said townships are now held or possessed, to the river commonly called Poultney River — thence down the same, through the middle of the deepest channel thereof, to East-Bay — thence through the middle of the deepest channel of East-Bay, and the waters thereof, to where the same communicate with Lake Champlain — thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called the Grand Isle and Long Isle, or the Two-Heroes, and to the westward of the Isle la Mott, to the forty-fifth degree of north latitude. And the said Commissioners, by virtue of the powers to them granted, did declare the will of the Legislature of the State of Newyork, that if the Legislature of the State of Vermont should, on or before the first day of January, one thousand seven hundred and ninety-two, declare, that on or before the first day of June, one thousand seven hundred and ninety-four, the said State of Vermont would pay the State of Newyork the sum of thirty thousand dollars, that immediately from such declaration by the Legislature of the State of Vermont, all rights and titles to lands within the State of Vermont, under grants from the government of the late Colony of Newyork, or from the State of Newyork (except as therein excepted) should cease — Wherefore,

*It is hereby enacted by the General Assembly of the State of Vermont,* That the State of Vermont shall, on or before the first day of June, one thousand seven hundred and ninety-four, pay the State of Newyork thirty thousand Dollars.<sup>1</sup> And the Treasurer of this State, for, and in behalf of this State, and for the purposes mentioned in the act of the Commissioners aforesaid, shall pay to the State of Newyork the sum of thirty thousand dollars, on or before the first day of June, 1794.

*It is hereby further enacted,* That the said line, described in the said act of the said Commissioners, shall henceforth be the perpetual boundary line between the State of Vermont and the State of Newyork: And all grants, charters, or patents of land, lying within the State of Vermont, made by, or under the government of the late Colony of Newyork, except such grants, charters, or patents as were made in confirmation

<sup>1</sup>The sum of \$30,000 probably paid from one fourth to one third the sum paid for the lands granted by New York. James Duane purchased about 64,000 acres for upwards of \$8,000, and his heirs received \$2621.29 of the \$30,000 paid by Vermont. "The bargain was made by our [New York] politicians to obtain a new state to overbalance Southern influence, and in this paramount object with them compensation to the comparatively few landholders among her citizens was almost entirely overlooked."—*Memoir of James Duane, by Samuel W. Jones, in Doc. Hist. of New York*, Vol. iv, 1068.

of grants, charters, or patents made by, or under the government of the late Province or Colony of Newhampshire, are hereby declared null and void, and incapable of being given in evidence in any Court of law within this State.

*Admission of Vermont to the Union.*

Oct. 27, 1790, an act was passed calling a convention to act upon the question of the adoption of the Constitution of the United States,<sup>1</sup> which met at Bennington, Jan. 6, 1791, and adopted the Constitution on the 10th by a vote of one hundred and five yeas to two nays. The general assembly held an adjourned session at the same time and place, and appointed Nathaniel Chipman and Lewis R. Morris commissioners to apply for the admission of Vermont to the Union, who immediately proceeded on their mission, and on the 18th of February, Congress passed the act of admission, to take effect on the 4th day of March, 1791. The documents detailing the action on this question in the assembly and in congress, with the proceedings and debates of the convention of January, 1791, are reserved for the next volume of Historical Collections.<sup>2</sup>

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<sup>1</sup> Pamphlet *Acts*, 4.   <sup>2</sup> *Early History*, 448. 449.

## THE EARLY EASTERN BOUNDARY OF NEW YORK A TWENTY MILE LINE FROM THE HUDSON.

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*An official Report by the Council of New York to Governor Monckton, of the 25th of June, 1763, on the controverted boundaries of the province; to which is appended a letter of Lieut. Gov. Colden to the Lords of Trade commenting thereon, of Sept. 26, 1763.*

IN the month of June, 1763, the council of New York made an official representation to General Robert Monckton, then governor of the province, to be forwarded to England, on the subject of their controverted boundaries with the neighboring colonies, urging their speedy adjustment. The representation favored the giving of the assent of the province of New York to the permanent establishment of a twenty mile line from the Hudson as its boundary along its whole eastern extent, including Massachusetts and New Hampshire as well as Connecticut, on the ground that the king's commissioners in 1664, the year the charter of New York had been granted, had declared such to be the eastern limit of the province. A copy of this representation is found in the Letter Book of Lieut. Gov. Colden, which is preserved in the archives of the New York Historical Society, in connection with a letter of his to the English Lords of Trade, of September 26, 1763, commenting upon and controverting the positions assumed by the Council.

On application of the Committee of Publication, a copy of the Representation has been kindly furnished by the Librarian of that Society, accompanied by the suggestion that the letter of Mr. Colden should also be published. With this suggestion the Com-

mittee cheerfully comply, copying the letter from the Colonial History of New York, Volume VII, p. 562-565, appending to it a few foot notes correcting the errors into which Mr. Colden had fallen.

DANIEL HORSMANDEN, whose name is first in the signatures to the Representation, had been long in public life, was appointed one of the governor's council in 1733, was many years a judge of the supreme court, and died while chief justice of the province, after the commencement of the revolution. The other signers of the Representation had been of the council for less periods. The last signature is that of Lord Stirling (Wm. Alexander), who continued a member of the council till 1768, when he resigned. He was afterwards distinguished for bravery and good conduct as an officer in the continental army, in which he became a major general.

CADWALLADER COLDEN, who was of Scotch descent, came to New York about 1718, and in 1722 became a member of the council, and not long afterwards surveyor general. From the year 1761 he was lieutenant-governor of the province, and for a large portion of the time thereafter until 1776, was, by virtue of that office, its chief magistrate, in the absence of regularly commissioned governors. He became acting governor on the return of Gen. Monckton to England in the summer of 1763, and in that capacity addressed his letter the following September to the Lords of Trade. Notwithstanding the zeal with which Mr. Colden insists in his letter that Connecticut river was the ancient boundary of New York, he had, in an official report as Surveyor General of the province, made to the governor twenty-five years earlier, in 1738, described the boundaries of the whole province in great detail, without giving any intimation that it reached eastward to that river,—without, in fact, mentioning the name of the river.—[*Colonial History N. Y.*, Vol. VI, 121-125, and *Documentary History N. Y.*, Vol. IV, 171-179.] He was however successful in procuring the order of the king in council of July 20, 1764, declaring Connecticut river to be the boundary on New Hampshire, and profited largely by it. He afterwards granted more than a million of acres of land in the newly acquired terri-

tory, his fees for affixing his official signature to the patents exceeding thirty thousand dollars.—[*Coll. Vt. Hist. Society*, Vol. 1, 145–159.] For a full discussion of the boundary question, see *Early Hist. Vt.*, p. 1 to 65.

*Representation to His Excellency, Governor Monckton, from the Council of New York, respecting the Contested Limits of that Province, and the Claim to two large Tracts of Land, made by John Henry Ledius.*<sup>1</sup>

MAY IT PLEASE YOUR EXCELLENCY :

Your Excellency having been pleased to inform the Council of your intentions to embark for Great Britain, & having also intimated your desire that they should suggest such matters relative to the Interest of the Province, as require the immediate attention of his Majesty's Ministers ; in order that during your stay in England, you might represent them to his Majesty in Council, or take such other measures as you should judge necessary thereupon.

We beg leave as essential to the quiet of his Majesty's Subjects and the prosperity of the Province, to mention the absolute necessity there is of a speedy determination of the Limits between this & the Colonies bordering upon it, with whom there is any dispute on this subject. Hence frequent Tumults and the strongest Animositys have arisen among the borderers, whereby the Publick Peace hath been disturbed, the Cultivation of the Soil neglected, and the Interest of his Majesty in Point of his Revenue of Quitrents greatly affected — Evils only to be remedied by the Interposition of the Crown by the Royal Commission, or otherwise for the final Settlement & Adjustment of the Limits of the Colonies.

The Boundaries assigned to the Province of New York under the English Government are by the grant from King Charles the Second to his Brother James Duke of York, which is dated the 12th March 1663–4 express'd in these words.

“All that Island or Islands commonly call'd by the several name or names of Matowacks or Long Island, situate lying and being towards the West of Cape Cod, and the Narrow Higgansents, abutting upon the Main Land between the two Rivers there call'd or known by the several names of Connecticut & Hudsons River ; together also with the said River, called Hudsons River, and all the lands from the Westside of Connecticut River, to the East side of Delawar Bay.”

This description, by a liberal construction, is supposed to contain and include on the continent, all the Country lying between the Rivers Connecticut & Delawar, and extending Northwardly & Westwardly to the Heads of Hudsons River, which country is shewn by the Red line in the Map presented herewith.

As far back as the Reign of James the Second, in the royal Commissions to the Governors of this Province, these words have been inserted in addition to its description in the before recited Grant “Territories thereon depending” which have been allways understood to extend the Jurisdiction of the Province Westward as far as the Banks of Lake Ontario, and Lake Erie, and which is comprehended within the yellow Line on the same Map.

The Colonies bordering on this Province are Connecticut, Massachusetts Bay & New Hampshire on the East, and New Jersey and Pensilvania on the west.

<sup>1</sup> *Colden Papers* : N. Y. Historical Society. *Letter Book III*, 59–68.

In consequence of an Agreement made between New York and Connecticut in 1683, afterwards confirmed by King William in Council 28th March 1700, the boundary Line of these two colonies, was run and marked in a straight Line between two Points at the distance of 20 Miles from and on the East side of Hudsons River — The only Limit of this colony not contested.

For altho' we have been informed that in the year 1664 Commissioners were appointed by King Charles the Second to settle the boundaries between this and the adjacent colonies, who determined that a Line parallel to & at 20 Miles distance from Hudsons River on the East side thereof, should divide the two Provinces of New York and Massachusetts Bay from each other, to which the Legislature of the latter agreed, as appears by the Record of this Transaction, at the Plantation Office : Yet this settlement was never carried into Effect ; has been rejected or not insisted on by the Province of Massachusetts Bay ; is not mentioned in any of the Publick Records or Papers here ; nor was introduced in the Debates on this subject at the Congress or meeting of Commissioners from both Provinces at Albany in the year 1754 ; and till very lately hath been utterly unknown to us.

But in conformity to this Settlement, as we believe the Right Hon:ble the Lords Commissioners for Trade & Plantations did by their Report to his late Majesty in Council on the 29th March 1757 declare it as their opinion, "That a streight Line to be drawn Northwardly from that Point where the boundary Line between New York and Connecticut ends at twenty Miles distant from Hudsons River to another Point at the same distance from the said River on that Line which divides the Provinces of New Hampshire & Massachusetts Bay, will be a just and Equitable Line of Devision between the said Provinces of New York and Massachusetts Bay," tho' their Lordships did afterwards by a second Report or Opinion on the 10th May following Declare that a streight Line to be drawn northerly from a point on the South Boundary Line of ye Massachusetts Bay, twenty Miles distant *due East* from the said River, on that Line which divides the Provinces of New Hampshire & Massachusetts Bay, will be a just and equitable Line of Devision between the two Governments. With respect to which last mentioned line we beg leave to observe that if the same should be established, it would not leave to this Province the breadth of twenty Miles on the East side of Hudsons River, as is manifestly the intention of the first Report, for as the course of the River in that part is nearly 20 Degrees Eastward of North a *due East Line*, is not perpendicular to the River, and consequently twenty Miles measured on a course *due East* will comprehend only a breadth of Eighteen Miles & three quarters.

Upon the whole if this Settlement by Commissioners in 1664, is looked upon as binding upon the part of the Crown, it seems reasonable that the Line should be run accordingly, that is, agreeable to the sense of their Lordships said Report of the 29th March, 1757, which extends this Province twenty Miles Eastward of Hudsons River But with a saving of the Property of such of his Majesty's Subjects of this Province, who claim under Grants which extend Eastward beyond the distance of twenty Miles from Hudsons River, and which are prior in date to the Second charter of Massachusetts Bay, granted after their first charter was annulled by Decree in Chancery.

In regard to New Hampshire. We do not know that the Limits of New York have received any alteration, since the Grant before recited to James Duke of York, which has fixed the Eastern boundary to Connecticut River. The Government of New Hampshire regardless of this, and



of his Majesty's Commission to his Governor's of that Province, by which it is expressly declared, that the said Province of New Hampshire is to extend Westward until it meets with his Majesty's other Governments; Have advanced their claim, & made Grants within twenty Miles of Hudsons River or less.

The Jurisdiction, as well as the Property of the Soil yet unappropriated in both Governments, appertain to his Majesty, it depends on the Crown by its own Authority to fix and ascertain the Limits between them.

We are humbly of Opinion it will not be inconvenient to either Province, if his Majesty should be pleased to Order that the same Line which shall be established as the Devision between this, & the Province of Massachusetts Bay be continued on the same Course as far as the most Northerly Extent of either Province; with a saving to the Inhabitants of New York, of such Lands as are held by Grants under the Great Seal of that Province Eastward of Hudsons River beyond the distance of twenty Miles; It appearing to us that such Grants made in a part of the Province of New York, where there could be no doubt of its Extent Eastward to Connecticut River, ought to be confirmed, in preference to those of New Hampshire where they interfere with each other; as the Province New Hampshire is confined in its extent Westward, to the Eastern boundary of his Majesty's other Governments. And untill his Majesty shall be graciously pleased to determine the Partition Line between these his two Provinces, it will tend to the preservation of Peace among the borderers, if the Government of New Hampshire should be confined in the Grants of Lands hereafter to be made in that Province, to a certain Extent Westward, We humbly conceive not beyond Connecticut River.

On the West side of the Province, the Line most immediately requiring the attention of the Government, is that between New York, and the Province of New Jersey; the Lands contested lying in the neighborhood of a well settled Country. Laws have been lately passed in both Provinces for the Settlement of this Line in such Method as his Majesty shall be pleased to appoint; for rendering such Settlement conclusive as to private Property; and for defraying the Expence thereof. It now only remains to obtain the Royal assent to those Laws, and to sue out his Majesty's commission, appointing Commissioners with the necessary Powers for this purpose.

Untill a few Years agoe it was not apprehended any dispute would arise between this Government and the Province of Pensilvania, as to the Northern Boundary of that Province. But by a letter (No. 1) of the 13th of September 1751 from Governor Hamilton to the late Governor Clinton the Proprietaries seem to claim the full extent of three degrees of Latitude which Mr. Hamilton intimates will extend the Northern Boundary of Pensilvania not far short of the Latitude of Albany. That this claim is ill supported we think will appear from the Grant to William Pen, Esqr. from King Charles the Second, dated the 4th March in the 33d Year of his Reign wherein that Province is described in these words:

"All that Tract or Part of Land in America, with all the Islands therein contain'd, as the same is bounded on the East by Delawar River, from twelve Miles distance Northward of New Castle Town unto the three and fortieth Degree of Northern Latitude, if the said River doth extend so far Northwards: But if the said River shall not extend so far Northward then by the said River so far as it doth Extend; and from the head of the said River, the Eastern bounds are to be determined by a

Meridian Line to be drawn from the head of the said River, unto the said three and fortieth Degree; the said Land to extend Westward five Degrees in Longitude, to be computed from the said Eastern Bounds. And the said Lands to be bounded on the North by the beginning of the three and fortieth Degree of Northern Latitude; and on the South by a circle drawn at twelve Miles distance from New Castle Northwards and Westwards, unto the begining of the three and fortieth Degree of Northern Latitude, and then by a streight Line Westwards, to the Limits of Longitude above mentioned."

Hence it is Evident that that Province is confined in Express terms to the *Beginning* of the three and fortieth Degree of northern Latitude; and tho' by any contest of Limits, or any uncertainty with respect to the Southern Boundary, Pensilvania when extended to the beginning of the 43d Degree may not comprehend or include three degrees of Latitude, it does not follow that the boundary should be extended farther northward than it is expressly limited to. Nor ought any Explanation of what was intended at the time of the Grant, by the *Beginning* of the 43d Degree, to be admitted at this Day, from the manifest inconveniencies that must now attend such Explanation if allowed of, when considerable Tracts of Land have been granted, and are now possessed by Individuals, as lying in this Province, which in that case might fall within the Proprietary Government of Pensilvania.

If the Proprietaries persist in the claim of three degrees of Northern Latitude, it will be necessary that this disputed Limit, be put into the same Method of Devision as is before pointed out with respect to the boundary Line between New York and New Jersey—Otherwise a Commission need only issue for fixing the Latitude, and running the Line.

Having suggested whatever occurs to us on the Subject of the Limits of the Province; We cannot omit a few remarks on the claim to two very large Tracts of Land in this Province, set up by John Henry Lidius, which he grounds on an Indian Deed dated in 1732, signed by three or more Indians belonging to the Six Nations—and a grant from General Shirley as Governor of the Province of Massachusetts Bay, dated, as is supposed, in 1744, reciting the said Indian Purchase, and also reciting an order from his Majesty to Mr. Shirley to enquire into the validity of the said Indian Purchase, and if found to have been made bona fide, in that case directing Mr. Shirley to grant the Lands included therein to the said John Henry Lidius.

As to the Indian Deed, we must observe that the Indians of the Six Nations, at the time of this transaction, and for many years before, laid no claim to the Lands in question, nor do at this Day to the Lands bordering on, or adjoining to those claimed by Mr. Lidius: nor was this Purchase made by Lyncce from the Governor, agreeable to the invariable custom of the Government, in all cases where the Lands are claimed by the Indians.

As to the Grant, the Lands described therein are without the Limits of Massachusetts Bay, and if they were included within that Province ought by the charter to have been Granted by the General Court; nor could Mr. Ledijs, as he declared, produce, nor did he know any thing of the Order in Virtue of which, Mr. Shirley is said to have made this Grant—all he insisted on was, that the Lands lay without the Limits of the Province of New York.

The Government conceiving his claim groundless, and finding he persisted therein: that he had by his own confession Surveyed and Granted Leases of the Premises to above 700 Persons; who if once Seated would support themselves by force, which might in the end occasion bloodshed,

and looking upon these proceedings, in defiance of the authority of Government as dangerous to the community, therefore Ordered an Information to be filed — against the said John Henry Ledijs, and he is under Prosecution accordingly. But as there is no fund for defraying any Expence of this nature and the Interest of the crown both with respect to the property of the Soil, & its Revenue of Quit-rents, may by this and other claims be materially affected, We are humbly of Opinion it would be for his Majesty's Service, should he Permit his Governor, with the advice of the Council, to draw out of the fund of the Quit-rents, such Sums as shall from time to time be found necessary to carry on with vigour and Effect, as well the Prosecution already commenced against the said John Henry Ledijs, as all other Persecutions which shall hereafter be commenced by order of the Governor in council against any Intruder on the crown Lands within this Province.<sup>1</sup>

These Observations and Remarks which we only offer as hints for your information, We submit to your Excellency, confident that you will do therein whatever shall appear most for the benefit and Interest of the Colony.

DAN HORSMANDEN,  
JNO. WATTS,  
WM. WALTON,  
OLIVER DE LANCEY,  
STIRLING.

New York, 25th June, 1763.

*Lieutenant Gov. Colden to the Lords of Trade.<sup>2</sup>*

NEW YORK, September 26, 1763.

*My Lords:*—Since General Monckton left this Government, I have seen the Copy of a representation made to him by five Gentlemen of the Council relating to the Boundaries of this, His Majesty's Province, which in my humble opinion, were it to take effect, would be injurious to His Majesty's rights and revenue; and therefore, as the affairs of the colonies may probably at this time come under the consideration of His Majesty's Ministers, and this representation may be laid before them, I think it my duty to make remarks on it, to show the mistakes these Gentlemen have fallen into.

Had I been apprised of it before it was made, I presume I should have been able to have prevented the mistakes. I have been 40 years at the Council Board, and in that time have been more conversant in public affairs than any man now living in this province. These Gentlemen, all of them, except Mr. Horsmanden, have had seats only a few years at the Council Board, and it is impossible they can be fully informed without the assistance of others. They have neglected likewise to consult the Minutes of Council, when the same matter had been formerly under the consideration of the Council, who after long and mature deliberation and after consulting the principal officers of Government, and every other person who they thought could inform them, came to resolutions very different from the sentiments of these Gentlemen, as will appear in the Minutes of Council of the 18th of October, 1751, and more fully and clearly in the Minutes of the 2d of March, 1753. I had likewise the honor to write to your Lordships' predecessors in office on the same subject, the 28th of February, 1761.

<sup>1</sup> For a further account of these spurious claims of Lydijs, see *Early History of Vt.*, 495–497.

<sup>2</sup> *Col. Hist. N. Y.*, Vol. VII, 562–565.

The motives to the Representation are certainly just, viz: The preventing tumults and disorders on the Borders; and I join heartily in opinion with them, that it is greatly for His Majesty's Interest and for the benefit of this and the neighboring Colonies, that an end be put as soon as possible to these Disputes; but at the same time I hope to show, by what follows, that this may be done without giving up His Majesty's Rights or encouraging Intrusions, which have been made, or hereafter may be made on the King's lands, and without in the least distressing His Majesty's subjects who have settled on these lands and cultivated them.

That I may not too much trespass on your Lordships' patience, I shall pass over several mistakes in this Representation, that I may come to the principal error on which the whole is founded with respect to the Massachusetts Bay. It is this:

The Gentlemen, as they say, "have been informed that in the year 1664 Commissioners were appointed by King Charles the Second, to settle the Boundaries between this and the adjacent colonies, who determined that a line parallel to Hudson's River at twenty miles distance from it on the east side thereof should divide the two provinces of New York and Massachusetts Bay from each other, to which the Legislature of the latter agreed, as appears by the Record of this Transaction at the Plantation Office. But this settlement was never carried into effect, has been rejected or not insisted on by the Massachusetts Bay, is not mentioned in any of the Public Records or Papers here, nor was it introduced in the debates on this subject at the Congress or Meeting of the Commissioners from both Provinces at Albany in the year 1754, and till very lately hath been utterly unknown to us."<sup>1</sup>

In consequence of this new discovery they conclude, that a line at 20 miles distance from Hudson's River would be an equitable Boundary not only between New York and Massachusetts Bay, but likewise between New York and New Hampshire.

There is great reason to doubt of some mistake in this Information — That the whole of that settlement of Boundary related to Connecticut only, and not to the Massachusetts Bay; for as to Connecticut it appears on the Records of New York, but in no shape as to Massachusetts Bay. It is unaccountably odd, if this information be true, that in so long a time, the people of Massachusetts Bay should at no time avail themselves of it; unless it be supposed that they are convinced of its being now of no force.<sup>2</sup>

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<sup>1</sup>Nor was this action of the King's Commissioners of 1664 mentioned in the debates at the subsequent meeting of the Commissioners of New York and Massachusetts at New Haven, in October, 1767, for the very obvious reason, operating on both occasions, that each party, by discarding such action, hoped to extend its boundaries beyond the twenty mile line.—*Jour. of N. Y. Assembly* for Nov. 25, 1767. *Early Hist. Vt.*, 38-42.

<sup>2</sup>The statement of the Council in their representation to Gov. Monckton of the action of the King's Commissioners in 1664, though questioned by Lt. Gov. Colden, was correct. The boundary between New York and Connecticut was declared by the written award of the Commissioners on the 4th day of December 1664 to be, substantially a twenty mile line east of the Hudson, which award was understood at the time to

If the Equity be considered, by which the settlement of Boundary was made with Connecticut, it will appear, that the Equity did in no manner extend to Massachusetts Bay.

Before the Duke of York received his Grant, and while the Dutch were in possession of New York, the people of Connecticut had their principal towns and settlements on the West side of Connecticut River, (which is the Eastern Boundary of the Province of New York,) and had even extended their settlements on the Sea coast within ten miles of Hudson's River; but the Massachusetts Bay (as I have been informed and believe) had made no settlements so far West as Connecticut River.<sup>1</sup> It was in consideration of those settlements made by Connecticut that the Boundary between New York and Connecticut was fixed at twenty miles from Hudson's River, reserving however to Connecticut all the settlements actually made, though within less than ten miles from Hudson's River; for which they were to allow an Equivalent in the inland parts where they had no settlements. By this Equivalent the distance between Hudson's River and the Colony of Connecticut in the upper parts is above twenty-two miles. The not considering the want of Equity in the Massachusetts Bay, which Connecticut evidently has, produced an essential error in the judgment which the gentlemen formed of this matter.<sup>2</sup>

be applicable to the whole of New England, as appears, among other evidence, by a letter of Col. Richard Nicolls, who was the Duke of York's governor of the conquered province, and one of the King's Commissioners. In writing to the Duke in November, 1665, he says, in regard to their determination of the boundary by the Commissioners, that it "was a leading case of equal justice and of great good consequence in all the colonies, and therefore we were assured would be an acceptable service to your Royal Highness, though to the diminution of your bounds; so that to the East of New York and Hudson's river nothing remains to your Royal Highness except Long Island and about twenty miles from any part of Hudson's River."—*Col. History of N. Y.*, Vol. III, p. 106. *Smith's N. Y.*, Vol. I, p. 36. After visiting New York the Commissioners went to Massachusetts and inquired into the limits of that province, which in their report to the King they say they "find to be Seconneth Brook on the South West and Merrimack River on the North East, and two right lines drawn from each of those two places, till they come within twenty miles of Hudson's River, for that is already planted and given to his Royal Highness."—*Col. History N. Y.* Vol. III, p. 112.

<sup>1</sup>At the time of the grant of New Netherland to the Duke of York in 1664, settlements had been made under Massachusetts on both sides of Connecticut river. Springfield had been thus occupied twenty-eight years, Northampton ten, and both Hadley and Hatfield five years. Grants of other towns west of the river had been made, preparatory to their occupation.—*Holland's History of Western Massachusetts*, Vol. I, Chap. II & III. Vol. II, pp. 118, 244, 214, 229, 141.

<sup>2</sup>Mr. Colden, while professing to correct mistakes in the Report of Gov. Monckton's Council, not only fails to point out any, but falls himself into those which are fatal to his own argument. He overlooks and

About the year 1675, (if I mistake not the year,) the charter of Massachusetts Bay was by Decree in Chancery declared null and void. This Decree was never reversed and remains in force at this day. Thereby the Duke's title to the lands on the west side of Connecticut River and to the Northward of the Colony of Connecticut became indisputable; and this Decree put an end to all settlements of Boundary with Massachusetts Bay, if any there were. While the Duke was thus seized of his Province of New York as far as Connecticut River, he succeeded to the Crown of England, and thereby the Province of New York became part of the Crown lands, and have ever since passed with the Crown.<sup>1</sup>

ignores the decisive fact that the charters by the crown, of both Massachusetts and Connecticut, were previous in point of time to that of New York; that the territory described in each extended west to the Pacific ocean, and that they thus had a prior title to that which the king afterwards undertook to grant to the Duke of York. The king's charter of Massachusetts, in confirmation of previous grants, bore date in March, 1628, that of Connecticut, April 22, 1662, while that of New York was not issued till March 12, 1664.—*Brodhead's N. Y.*, pp. 189, 702, 735; *Story on the Constitution*, Vol. I, pp. 46, 74, 98. The action therefore of the king's Commissioners in favor of a line to the west of Connecticut river was not, as stated by Mr. Colden, in consequence of the equitable claims of the English settlers in Connecticut, but in accordance with the legal rights of both Connecticut and Massachusetts to extend west to and beyond Hudson's river. That the Duke's grant was allowed to reach to the distance of twenty miles east of the Hudson to save the equitable claims of the Dutch settlers along that river, was more than the Duke could have reasonably expected. It was justly considered by the Commissioners as rendering "an acceptable service to his Royal Highness," as has been seen in a previous note to this letter.

<sup>1</sup> It is true that in 1684, (not 1675 as Mr. Colden has it,) twenty years after the action of the king's Commissioners fixing upon a twenty mile line from the Hudson as the eastern boundary of New York on New England, the charter of Massachusetts of 1628 was vacated and annulled by decree of the English court of chancery. But this did not and could not, without some additional acts of the crown, annihilate the province. It changed the government of the colony, by depriving it of privileges granted by charter, and placed it under the direct control of the king, but did not in any way affect its already declared boundaries, or those of the adjoining province of New York. Besides, the western extent of Massachusetts did not depend alone upon this charter of 1628, but more directly upon a previous grant which remained unimpaired. King James had, on the 3d of November, 1620, granted to the Council of Plymouth, a corporation, a territory under the name of New England, extending from the 40th to the 48th degree of North latitude, and from the Atlantic to the Pacific ocean, and the Council of Plymouth in March, 1627, had sold and transferred to Sir Henry Roswell and his associates

After the Revolution the Colony of Massachusetts obtained a new charter from King William, by which that colony is to extend *as far westward as Connecticut*. As it no where appears that the king had any intention to grant any part of his province of New York to the Colony of Massachusetts Bay, the word Connecticut must mean the *River Connecticut*; and if the people of Massachusetts Bay had made no settlement at that time on the West side of Connecticut River, as I am confident they had not, their charter can receive no other construction either in law or equity, than that the Colony of Massachusetts Bay extends *as far westward as Connecticut River*, and no farther. By inspecting any General Map of the Northern Colonies, it appears that the Colony of Massachusetts Bay cannot be bounded to the Westward by the Colony of Connecticut.<sup>1</sup>

In my humble opinion no reason of any weight can be given, why the King should not affirm His right to the lands on the West side of Connecticut River, and to the Northward of the Colony of Connecticut, unless it be that many families who have unadvisedly settled on the West side of Connecticut river, would thereby be ruined. But if the King shall think fit to confirm their possessions to them, on their paying the Quit-rent established in His Province of New York, they cannot in any shape be distressed, or have any just reason of complaint.

that portion of its territory described in the Massachusetts charter of 1628, and of which transfer this charter of the king was a confirmation, with the addition of certain powers of government. The title of Massachusetts to the territory was complete without the new charter from the king, and remained valid after that had been vacated. On the strength of this title from the Council of Plymouth, the State of Massachusetts, after the revolution, instituted proceedings against New York before a court constituted under the articles of confederation, and rather than risk a contest with regard to its validity, the State of New York relinquished to Massachusetts about six millions of acres of land lying to the southward of lake Ontario, comprising a territory equal in extent to the present entire State of Massachusetts.—*Story on the Constitution*, Vol. I, pp. 44-54; *Jour. N. Y. Assembly*, Nov. 25, 1767; *Jour. Cong.* Oct. 8, 1787; *Street's N. Y. Council of Revision*, 154-156, note.

<sup>1</sup>Mr. Colden is correct in saying that Massachusetts could not be bounded west by the colony of Connecticut. The natural meaning of the language of the charter of King William as quoted, and italicised by him, by which Massachusetts is declared "to extend *as far Westward as Connecticut*," would seem to be that it should reach as far west as Connecticut did, that is, to the twenty mile line from the Hudson, which was then understood to be the eastern boundary of New York. The idea of interpolating the word *river* to give the language a different meaning appears quite far-fetched. At the date of King William's charter in 1691 there were several settlements under Massachusetts to the westward of Connecticut river, besides those mentioned in a former note. Westfield, ten miles west of the river, had been occupied from 1666—twenty-five years.—*Holland's Western Mass.*, Vol. I, Chap. III & IV.

As the Province of New Hampshire is bounded to the Westward by the Eastern boundary of His Majesty's other governments, the Governor of New Hampshire can have no pretence for extending his claim on the West side of Connecticut River, which is the boundary Eastward there of the Province of New York; especially after repeated remonstrances had been made to him by the Government of New York on this head. Notwithstanding of this the Governor of New Hampshire continues to grant lands far to the Westward of Connecticut River, to numbers of people who make a job of them, by selling shares in the neighboring Colonies, and have even attempted it in the city of New York, and perhaps with success. The Quit-rents in New Hampshire, as I am informed, are much lower than in New York, and this is made use of, as an inducement to purchase under New Hampshire, rather than settle under New York grants.

The most surprising part of the Representation of these Gentlemen is, that they should propose a saving only of the Grants in New York which extend above twenty miles from Hudson's River and were made before the second charter to Massachusetts Bay, when it is clear that the second charter cannot extend beyond Connecticut River, and it is not so, that the first did not.

In the last place I cannot conceive on what principles of Justice, Policy or Public Utility these Gentlemen advise the settling the boundary between his Majesty's Province of New York, and the Colonies of Massachusetts Bay and New Hampshire, at twenty miles east from Hudson's River.

If all the lands in the province of New York from twenty miles of Hudson's river to Connecticut river were given up, the Crown would be deprived of a Quit-rent amounting yearly to a large sum, in my opinion greater than the amount of all the Quit-rents of the whole that would remain and is now received.

The New England Governments are formed on republican principles, and these principles are zealously inculcated on their youth, in opposition to the principles of the Constitution of Great Britain. The Government of New York, on the contrary, is established, as nearly as may be, after the model of the English Constitution. Can it then be good Policy to diminish the extent of Jurisdiction in His Majesty's Province of New York, to extend the power and influence of the others?<sup>1</sup>

The commerce of the Inhabitants on the East side of the Hudson's river, to a great extent Eastward, probably as far as Connecticut river, is with the Towns on Hudson's river; it must then be extremely inconvenient to them to be under different laws, different jurisdictions and different currencies of money.

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<sup>1</sup> This paragraph in Lt. Gov. Colden's letter, founded as it was on undeniable facts, doubtless furnishes the key to the motive under which, in July following, the territory, now Vermont, was separated by the crown from New Hampshire and annexed to New York. The English Ministry had announced their intention to raise a revenue by taxing the colonies, and were preparing their measures for that purpose. They were desirous of circumscribing within as narrow limits as possible, the stubborn republican spirit of New England, from which they anticipated the most determined opposition. Hence republican New Hampshire was diminished, for the enlargement of aristocratic New York.



I have no objections to the observations the Gentlemen have made as to the boundary of this Province Westward, and I join heartily with them in recommending a proper fund to be established for recovering His Majesty's Rights from all Intruders. It appears by the King's Instructions to his Governor of this Province, that His Majesty has been informed of great Intrusions on His Rights by private persons, and the Governor is directed to take all legal means for recovering of the King's Rights. But this cannot be done without great expense at Law, for which there is the greater reason that provision be made, because no Officer can do his duty without incurring the resentment of rich and powerful families.

I am, with great submission, My Lords,

Your most obedient and faithful servant,

CADWALLADER COLDEN.

*To the Right Honorable the Lords Commissioners }  
for Trade and Plantations. }*



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